



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 31, 2013

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House Study Bill 95 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to the use of restraints against a pregnant
2 inmate or detainee and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1643YC (3) 85
jm/nh



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1 Section 1. LEGISLATIVE FINDINGS. The general assembly
2 finds all of the following:
3 1. Restraining a pregnant woman can pose undue health risks
4 to the woman and her pregnancy.
5 2. The vast majority of female inmates or detainees in this
6 state are nonviolent offenders.
7 3. Restraining pregnant prison inmates increases the
8 potential for physical harm from an accidental trip or fall.
9 4. Freedom from physical restraints is especially critical
10 during labor, delivery, and postpartum recovery after delivery,
11 because a woman often needs to move around during labor and
12 recovery.
13 5. Restraints on a pregnant woman can interfere with the
14 ability of medical staff to appropriately assist in childbirth
15 or to conduct sudden emergency procedures.
16 Sec. 2. NEW SECTION. 904.1001 Definitions.
17 As used in this division, unless the context otherwise
18 requires:
19 1. "*Correctional institution*" means any state correctional
20 institution under this chapter, county jail or municipal
21 holding facility under chapter 356, county detention facility
22 under chapter 356A, or other detention facility that is used to
23 detain or restrain a person, including a juvenile, under the
24 laws of this state or the United States.
25 2. "*Corrections officer*" means the official who is
26 responsible for oversight of a correctional institution or the
27 official's designee.
28 3. "*Detainee*" means any adult or juvenile person detained or
29 restrained under the immigration laws of the United States at
30 any correctional institution.
31 4. "*Inmate*" means any adult or juvenile person incarcerated
32 or detained in a correctional institution who is accused
33 of, convicted or adjudicated guilty of, or sentenced for, a
34 criminal or immigration law violation including persons on
35 probation, parole, or pretrial release, or in any diversionary

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1 program.

2 5. "*Labor*" means the period of time before a birth during
3 which contractions are of sufficient frequency, intensity, and
4 duration to bring about effacement and progressive dilation of
5 the cervix.

6 6. "*Postpartum recovery*" means, as determined by the
7 attending physician, the period immediately following delivery,
8 including the entire period a woman is in the hospital or
9 infirmary after birth.

10 7. "*Restraint*" means any physical restraint or mechanical
11 device used to control the body or limb movement of an inmate
12 or detainee, including but not limited to flex cuffs, soft
13 restraints, hard metal handcuffs, a black box, chubb cuffs, leg
14 irons, belly chains, a security chain, or a convex shield.

15 Sec. 3. NEW SECTION. 904.1002 **Restraint of pregnant inmates**
16 **or detainees.**

17 1. A correctional institution shall not use restraints on
18 an inmate or detainee known to be pregnant, including during
19 labor, delivery, or postpartum recovery, unless the corrections
20 officer makes an individualized determination that the use of
21 a restraint on the inmate or detainee is necessary due to an
22 extraordinary circumstance under subsection 2.

23 2. A corrections officer may make an individualized
24 determination that use of a restraint is necessary for a
25 pregnant inmate or detainee through the first twenty weeks of
26 a pregnancy because the inmate or detainee is a substantial
27 flight risk or some other extraordinary medical or security
28 circumstance dictates the use of restraints to ensure the
29 safety and security of the inmate or detainee, the staff of
30 the correctional institution or medical facility, the general
31 public, or other inmates or detainees.

32 3. a. Notwithstanding subsection 2, a restraint shall
33 not be used on a pregnant inmate or detainee under any of the
34 following circumstances:

35 (1) A physician, nurse, or other health professional

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1 treating the inmate or detainee requests the restraints be
2 removed.

3 (2) After the twenty-fourth week of pregnancy.

4 (3) During labor or childbirth.

5 b. Notwithstanding paragraph "a", a leg or waist restraint
6 may be used after the twenty-fourth week of the pregnancy if
7 the physician, nurse, or other health professional treating the
8 inmate or detainee approves the use of the restraint.

9 4. a. Upon admission of an inmate or detainee to a medical
10 facility or birthing center for childbirth, no corrections
11 officer shall remain present in the birthing room during the
12 labor or childbirth, unless specifically requested by the
13 physician, nurse, or other medical personnel treating the
14 inmate or detainee.

15 b. If a corrections officer is requested to be present
16 in the birthing room during the labor or childbirth, the
17 corrections officer shall be female if practicable.

18 5. a. If a restraint is used pursuant to subsection 2, the
19 restraint used shall be used in the least restrictive manner.

20 b. The corrections officer making the determination to use a
21 restraint pursuant to subsection 2 shall make written findings
22 within ten days of the decision to use such a restraint. The
23 findings shall be kept for at least five years and are public
24 records, except no individually identifying information of an
25 inmate or detainee shall be made public without the written
26 consent of the inmate or detainee.

27 Sec. 4. NEW SECTION. 904.1003 **Transportation of a pregnant**
28 **inmate or detainee.**

29 A correctional institution shall use a wheelchair to
30 transport a pregnant inmate or detainee to or from a transport
31 vehicle or to or from any appointment.

32 Sec. 5. NEW SECTION. 904.1004 **Damages.**

33 In addition to any other remedy authorized by law, a
34 correctional institution that restrains an inmate or detainee
35 in violation of this division may be liable for civil damages

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1 and reasonable attorney fees and costs.

2 Sec. 6. NEW SECTION. 904.1005 Report.

3 The department of corrections, in conjunction with the
4 other entities supervising inmates and detainees in the state,
5 shall file a report with the general assembly by August 1 of
6 each fiscal year, detailing every instance in which restraints
7 were used on a pregnant inmate or detainee pursuant to this
8 division. The report shall not contain personal identifying
9 information of any inmate or detainee.

10 Sec. 7. RULES. The department of corrections, in
11 conjunction with other entities supervising inmates and
12 detainees in the state, shall commence rulemaking for the
13 implementation and administration of this Act within sixty days
14 of the effective date of this Act.

15 Sec. 8. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
16 immediate importance, takes effect upon enactment.

17 EXPLANATION

18 This bill relates to the use of restraints on a pregnant
19 inmate or detainee.

20 The bill defines "correctional institution" to mean any
21 state correctional institution, county jail, municipal holding
22 facility, county detention facility, or other detention
23 facility that is used to detain or restrain a person, including
24 a juvenile, under the laws of this state or the United States.

25 The bill defines "inmate" to mean any adult or juvenile
26 person incarcerated or detained in a correctional institution
27 who is accused of, convicted or adjudicated guilty of, or
28 sentenced for, a criminal or immigration law violation
29 including persons on probation, parole, or pretrial release,
30 or in any diversionary program.

31 The bill defines "detainee" to mean any adult or juvenile
32 person detained or restrained under the immigration laws of the
33 United States at any correctional institution.

34 The bill prohibits a correctional institution from using
35 a restraint on an inmate or detainee known to be pregnant,

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1 including during labor, delivery, or postpartum recovery,
2 unless the corrections officer makes an individualized
3 determination that the use of a restraint on a pregnant inmate
4 or detainee is necessary due to an extraordinary circumstance.

5 The bill permits a corrections officer to make an
6 individualized determination that a restraint is necessary for
7 a pregnant inmate or detainee through the first 20 weeks of
8 a pregnancy because the inmate or detainee is a substantial
9 flight risk or some other extraordinary medical or security
10 circumstance dictates the use of a restraint to ensure the
11 safety and security of the inmate or other persons.

12 The bill prohibits the use of a restraint if a health
13 professional treating the inmate or detainee requests the
14 restraints be removed, the pregnancy is at more than 24
15 weeks, or during labor or childbirth. However, a leg or
16 waist restraint may be used after the twenty-fourth week of
17 the pregnancy if the health professional treating the inmate
18 approves the use of the restraint.

19 Upon admission of an inmate or detainee to a medical facility
20 or birthing center for childbirth, the bill prohibits a
21 corrections officer from remaining in the birthing room during
22 labor or childbirth, unless specifically requested by the
23 medical personnel treating the inmate or detainee.

24 The corrections officer making the determination to
25 use a restraint pursuant to the bill is required to make
26 written findings within 10 days of the decision to use such a
27 restraint.

28 The bill requires the department of corrections, in
29 conjunction with the other entities supervising inmates and
30 detainees in the state, to file a report with the general
31 assembly by August 1 of each fiscal year, detailing every
32 instance in which restraints were used on a pregnant inmate or
33 detainee pursuant to the bill. The report shall not contain
34 personal identifying information of any inmate or detainee.

35 The bill requires the department of corrections and other

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1 entities supervising inmates and detainees to commence
2 rulemaking within 60 days of the effective date of the bill.
3 The bill takes effect upon enactment.



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House Study Bill 96 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to informal conferences on contested citations
2 or regulatory insufficiencies in health care facilities
3 or assisted living programs and including applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1705YC (2) 85
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1 Section 1. Section 135C.41, subsection 2, Code 2013, is
2 amended to read as follows:

3 2. Notify the director that the facility desires to
4 contest the citation and request an informal conference with
5 ~~a representative of the department~~ an independent reviewer
6 pursuant to section 135C.42.

7 Sec. 2. Section 135C.42, Code 2013, is amended to read as
8 follows:

9 **135C.42 Informal conference on contested citation.**

10 1. The director shall assign a representative of the
11 ~~department, other than the inspector upon whose inspection the~~
12 ~~contested citation is based,~~ provide an independent reviewer
13 to hold an informal conference with the facility within ten
14 working days after receipt of a request made under section
15 135C.41, subsection 2. At the conclusion of the conference the
16 ~~representative~~ independent reviewer may affirm or may modify or
17 dismiss the citation. In the latter case, the representative
18 The independent reviewer shall state in writing the specific
19 reasons for the affirmation, modification, or dismissal and
20 immediately transmit copies of the statement to the director,
21 and to the facility. If the facility does not desire to
22 further contest an affirmed or modified citation, it shall
23 within five working days after the informal conference, or
24 after receipt of the written explanation of the representative
25 independent reviewer, as the case may be, comply with section
26 135C.41, subsection 1.

27 2. An independent reviewer shall be licensed as an
28 attorney in the state of Iowa and have experience or training
29 in geriatric long-term care and shall not be employed by
30 the department. The department may issue a request for
31 proposals to enter into a contract for the purpose of providing
32 independent reviewers for informal conferences.

33 Sec. 3. Section 135C.43, subsection 1, Code 2013, is amended
34 to read as follows:

35 1. A facility ~~which~~ that desires to further contest an

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1 affirmed or modified citation for a Class I, Class II, or Class
2 III violation, may do so in the manner provided by chapter 17A
3 for contested cases. Notice of intent to formally contest a
4 citation shall be given the department in writing within five
5 days after the informal conference or after receipt of the
6 written explanation of the ~~representative-delegated~~ independent
7 reviewer provided to hold the informal conference, whichever is
8 applicable, in the case of an affirmed or modified citation.

9 A facility which has exhausted all adequate administrative
10 remedies and is aggrieved by the final action of the department
11 may petition for judicial review in the manner provided by
12 chapter 17A.

13 Sec. 4. Section 231C.8, subsection 2, Code 2013, is amended
14 to read as follows:

15 2. The department shall review the written information
16 submitted within ten working days of the receipt of the
17 information. At the conclusion of the review, the department
18 may affirm, modify, or dismiss the regulatory insufficiencies.
19 The department shall notify the program in writing of the
20 decision to affirm, modify, or dismiss the regulatory
21 insufficiencies, and the reasons for the decision. If an
22 assisted living program desires to further contest the
23 citation after an informal review, the program shall notify
24 the department within twenty business days after service of
25 the affirmation or modification of the informal review of
26 the program's desire to contest the citation and request an
27 informal conference with an independent reviewer.

28 Sec. 5. **NEW SECTION. 231C.8A Informal conference on**
29 **contested regulatory insufficiencies.**

30 1. The department shall provide an independent reviewer to
31 hold an informal conference with an assisted living program
32 within ten working days after receiving a request from the
33 program following an informal review pursuant to section
34 231C.8. At the conclusion of the conference the independent
35 reviewer may affirm or may modify or dismiss the regulatory

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1 insufficiencies. The independent reviewer shall state in
2 writing the specific reasons for the affirmation, modification,
3 or dismissal and immediately transmit copies of the statement
4 to the department and to the program. If the program does not
5 desire to further contest an affirmed or modified regulatory
6 insufficiency, it shall within five working days after
7 the informal conference, or after receipt of the written
8 explanation of the independent reviewer, as the case may be,
9 comply with section 231C.14, subsection 2.

10 2. An independent reviewer shall be licensed as an
11 attorney in the state of Iowa and have experience or training
12 in geriatric long-term care and shall not be employed by
13 the department. The department may issue a request for
14 proposals to enter into a contract for the purpose of providing
15 independent reviewers for informal conferences.

16 Sec. 6. Section 231C.9, Code 2013, is amended to read as
17 follows:

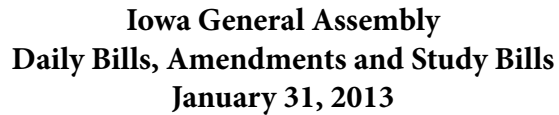
18 **231C.9 Public disclosure of findings.**

19 Upon completion of a monitoring evaluation or complaint
20 investigation of an assisted living program by the department
21 pursuant to this chapter, including the conclusion of informal
22 review or an informal conference, the department's final
23 findings with respect to compliance by the assisted living
24 program with requirements for certification shall be made
25 available to the public in a readily available form and
26 place. Other information relating to an assisted living
27 program that is obtained by the department which does not
28 constitute the department's final findings from a monitoring
29 evaluation or complaint investigation of the assisted living
30 program shall not be made available to the public except in
31 proceedings involving the denial, suspension, or revocation of
32 a certificate under this chapter.

33 **Sec. 7. APPLICABILITY.**

34 1. The sections of this Act amending sections 135C.41,
35 135C.42, and 135C.43 apply to an informal conference requested

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2 2. The sections of this Act amending sections 231C.8 and
3 231C.9, and adding section 231C.8A, apply to assisted living
4 programs desiring to request an informal conference on or after
5 January 1, 2014.

EXPLANATION

7 This bill relates to informal conferences on contested
8 citations in health care facilities or assisted living
9 programs. Currently, the director of the department of
10 inspections and appeals assigns a representative of the
11 department who was not involved in the contested citation
12 to hold an informal conference with a health care facility
13 within 10 working days after receipt of a request made by the
14 facility to contest a citation. The bill would require that
15 an independent reviewer would hold the informal conference
16 rather than a representative of the department of inspections
17 and appeals. The bill provides that the independent reviewer
18 must be an Iowa-licensed attorney and must have experience or
19 training in geriatric long-term care.

20 The bill also adds the informal conference process
21 for assisted living programs that receive a regulatory
22 insufficiency. Current law allows assisted living programs
23 to request an informal review of contested regulatory
24 insufficiencies, but does not provide for an informal
25 conference. The bill provides that an independent reviewer
26 must be provided to hold an informal conference within 10
27 working days after the request by an assisted living program.
28 The independent reviewer may affirm or modify or dismiss the
29 regulatory insufficiency at the end of the informal conference.
30 The reviewer must provide written specific reasons for the
31 decision and immediately transmit the copies to the department
32 of inspections and appeals and to the program. If, after
33 receiving the reviewer's statement, the program no longer
34 wishes to contest the decision, the program shall comply with
35 the payment of any civil penalty.



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1 The bill applies to an informal conference requested by
2 a health care facility under Code chapter 135C on or after
3 January 1, 2014, and to assisted living programs desiring to
4 request an informal conference under Code chapter 231C on or
5 after January 1, 2014.



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House Study Bill 97 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON GRASSLEY)

A BILL FOR

1 An Act providing for the leasing of agricultural land by the
2 department of natural resources to beginning farmers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 456A.38 Lease to qualified
2 beginning farmers program.

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. "Agricultural land", "authority", "beginning farmer", and
6 "farming" mean the same as defined in section 175.2.

7 b. "Corn suitability rating" means the most recent soil
8 index published by Iowa state university which calculates soil
9 types based on their productivity for row crop production.

10 c. "Program" means the lease to qualified beginning farmers
11 program as provided in this section.

12 2. The department shall establish and administer a lease
13 to qualified beginning farmers program. The department shall
14 annually lease agricultural land that it holds or manages in
15 each county to qualified beginning farmers. The department
16 shall advertise the program in a manner that encourages wide
17 participation by qualified beginning farmers in each county
18 where such agricultural land for use in farming is available.

19 3. In order to execute a lease with the department, the
20 agricultural development authority must certify that the person
21 selected qualifies for the beginning farmer loan program
22 pursuant to section 175.12. The department shall select each
23 participating qualified beginning farmer by lot.

24 4. A qualified beginning farmer who executes a lease with
25 the department is not eligible to lease more than two hundred
26 forty acres of agricultural land from the department under this
27 section. The term of the lease shall not be for more than three
28 years. The department shall provide for terms, restrictions,
29 and conditions of the agricultural land's use, including but
30 not limited to adopting generally accepted farming practices
31 and soil conservation practices, so long as such practices are
32 compatible with the department's policies related to resource
33 management and outdoor recreation. The qualified beginning
34 farmer shall not sublease the agricultural land. The qualified
35 beginning farmer is not eligible to be selected twice by the

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1 department to participate in the program.

2 5. The department shall establish the lease amount based on
3 a commonly accepted method used by real estate appraisers to
4 calculate per acre land values, including by using the county's
5 average corn suitability rating for agricultural land in the
6 county. The lease amount shall not increase for the term of
7 the lease.

8 6. The department is not required to lease agricultural
9 land under this program that it would not otherwise lease
10 for farming. The department may lease agricultural land
11 for farming under another program only after it has leased
12 agricultural land to all qualified beginning farmers
13 participating under this program.

14 EXPLANATION

15 The department of natural resources (DNR) currently
16 administers an agricultural lease program which allows persons
17 to farm such land under a three-year lease term (571 I.A.C.
18 21). This bill requires DNR to lease agricultural land that it
19 holds or manages in each county to qualified beginning farmers.

20 Generally, a beginning farmer is an individual, partnership,
21 family farm corporation, or family farm limited liability
22 company (Code chapter 9H) with a low or moderate net worth that
23 is engaged in farming (Code section 175.2). The agricultural
24 development authority establishes net worth requirements for
25 beginning farmers each year (Code section 175.2). In 2013, the
26 authority established the maximum net worth of \$691,172 for
27 individuals participating in the beginning farmer loan program
28 (Code section 175.12).

29 In order to execute a lease, DNR would draw by lot the
30 names of qualified beginning farmers. A beginning farmer
31 selected by the department would have to be certified by the
32 agricultural development authority as qualified to participate
33 in its beginning farmer loan program. The beginning farmer
34 cannot lease more than 240 acres of agricultural land from
35 the department, cannot sublease the agricultural land, and

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1 cannot be selected again to participate in the program. The
2 term of the lease is for not more than three years. DNR is
3 required to establish the lease amount based on a commonly
4 accepted method used by real estate appraisers to calculate per
5 acre land values using the county's corn suitability rating.
6 The department is not required to lease land that it would
7 not otherwise lease for farming. Any remaining land could be
8 leased under DNR's agricultural lease program.



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House Study Bill 98 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON ALONS)

A BILL FOR

1 An Act relating to property taxes of veterans and members of
2 the armed forces by modifying the military service property
3 tax exemption and credit, providing an additional homestead
4 credit for certain disabled veterans, making penalties
5 applicable, and including applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1664YC (7) 85
md/sc



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1 Section 1. Section 425.15, Code 2013, is amended to read as
2 follows:

3 **425.15 Disabled veteran tax credit.**

4 If the owner of a homestead allowed a credit under this
5 chapter is a veteran of any of the military forces of the
6 United States, who acquired the homestead under 38 U.S.C.
7 § 21.801, 21.802, prior to August 6, 1991, or 38 U.S.C.
8 § 2101, through 2102, who is a veteran as defined in section
9 35.1 with a permanent and total service-connected disability
10 as certified by the United States department of veterans
11 affairs, or who is a former member of the national guard
12 of any state who meets the service requirements of section
13 35.1, subsection 2, paragraph "b", subparagraph (2) or (7),
14 with a permanent and total service-connected disability as
15 certified by the United States department of veterans affairs,
16 the credit allowed on the homestead from the homestead credit
17 fund shall be the entire amount of the tax levied on the
18 homestead. The credit allowed shall be continued to the
19 estate of a veteran who is deceased or the surviving spouse
20 and any child, as defined in section 234.1, who are the
21 beneficiaries of a deceased veteran, so long as the surviving
22 spouse remains unmarried. ~~This section is not applicable to~~
23 ~~the holder of title to any homestead whose annual income,~~
24 ~~together with that of the titleholder's spouse, if any, for~~
25 ~~the last preceding twelve-month income tax accounting period~~
26 ~~exceeds thirty-five thousand dollars. For the purpose of~~
27 ~~this section "income" means taxable income for federal income~~
28 ~~tax purposes plus income from securities of state and other~~
29 ~~political subdivisions exempt from federal income tax. A~~
30 veteran or a beneficiary of a veteran who elects to secure the
31 credit provided in this section is not eligible for any other
32 real property tax exemption provided by law for veterans of
33 military service. If a veteran acquires a different homestead,
34 the credit allowed under this section may be claimed on the
35 new homestead unless the veteran fails to meet the other



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1 requirements of this section.

2 Sec. 2. NEW SECTION. 425.15A Disabled veteran tax
3 limitation.

4 1. For purposes of this section, unless the context
5 otherwise requires:

6 a. "Base year" means the fiscal year immediately preceding
7 the first fiscal year in which the additional homestead
8 credit under this section is allowed on the disabled veteran's
9 homestead.

10 b. "Disabled veteran" means a veteran, as defined in section
11 35.1, who has a service-connected disability rating of at least
12 fifty percent as certified by the United States department of
13 veterans affairs. "Disabled veteran" also means a former member
14 of the national guard of any state who otherwise meets the
15 service requirements of section 35.1, subsection 2, paragraph
16 "b", subparagraph (2) or (7), who has a service-connected
17 disability rating of at least fifty percent as certified by the
18 United States department of veterans affairs.

19 2. A disabled veteran who is eligible for the credit allowed
20 under section 425.1 may claim an additional homestead credit
21 pursuant to this section. To claim the credit under this
22 section, the disabled veteran shall file on or before June 30
23 of the base year for which the veteran is first claiming the
24 credit. The amount of the credit equals the amount of property
25 taxes, less the regular homestead credit allowed under section
26 425.1, due and payable in the coming fiscal year that exceeds
27 the amount of property taxes, less the regular homestead credit
28 allowed under section 425.1, that were due and payable in the
29 base year. The credit under this section is payable from the
30 homestead credit fund created in section 425.1.

31 3. Upon the filing and allowance of the claim, the claim
32 shall be allowed on the disabled veteran's homestead for
33 successive years without further filing as long as the property
34 is legally and equitably owned and used as a homestead by
35 the disabled veteran on July 1 of each of those successive



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1 years. The credit allowed shall be continued to the estate
2 of a veteran who is deceased or the surviving spouse and any
3 child, as defined in section 234.1, who are the beneficiaries
4 of a deceased veteran, so long as the surviving spouse remains
5 unmarried.

6 Sec. 3. Section 426A.11, subsection 1, Code 2013, is amended
7 by striking the subsection.

8 Sec. 4. Section 426A.11, subsections 2 and 4, Code 2013, are
9 amended to read as follows:

10 2. The property, not to exceed ~~one thousand eight hundred~~
11 ~~fifty-two~~ three thousand seven hundred five dollars in taxable
12 value of an honorably separated, retired, furloughed to a
13 reserve, placed on inactive status, or discharged veteran, as
14 defined in section 35.1, subsection 2, ~~paragraph "a" or "b" or~~
15 subsections 3 and 4 of this section.

16 4. For purposes of this chapter, unless the context
17 otherwise requires, "veteran" also means a any of the following:

18 a. A resident of this state who is a former member of the
19 armed forces of the United States and who served for a minimum
20 aggregate of eighteen months and who was discharged under
21 honorable conditions. However, "veteran" also means a

22 b. A resident of this state who is a former member of the
23 armed forces of the United States and who, after serving fewer
24 than eighteen months, was honorably discharged because of a
25 service-related injury sustained by the veteran.

26 c. A resident of this state who is a current member of the
27 national guard, organized reserves, or regular component of the
28 armed forces of the United States.

29 d. A resident of this state who is a former member of the
30 national guard of any state who otherwise meets the service
31 requirements of section 35.1, subsection 2, paragraph "b",
32 subparagraph (2) or (7).

33 Sec. 5. Section 426A.12, Code 2013, is amended to read as
34 follows:

35 **426A.12 Exemptions to relatives.**

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1 1. In case any person in the foregoing classifications does
2 not claim the exemption from taxation or for any member of the
3 national guard, organized reserves, or a regular component of
4 the armed forces of the United States whose death occurred in
5 the line of duty, it shall be allowed in the name of the person
6 to the same extent on the property of any one of the following
7 persons in the order named:

8 a. The spouse, or surviving spouse remaining unmarried,
9 of a veteran, as defined in this chapter or in section 35.1,
10 subsection 2, ~~paragraph "a" or "b"~~, or of a person whose death
11 occurred in the line of duty where they are living together or
12 were living together at the time of the death of the veteran or
13 person.

14 b. The parent whose spouse is deceased and who remains
15 unmarried, of a veteran, as defined in this chapter or in
16 section 35.1, subsection 2, ~~paragraph "a" or "b"~~, or of a person
17 whose death occurred in the line of duty whether living or
18 deceased, where the parent is, or was at the time of death of
19 the veteran or person, dependent on the veteran or person for
20 support.

21 c. The minor child, or children owning property as tenants
22 in common, of a deceased veteran, as defined in this chapter
23 or in section 35.1, subsection 2, ~~paragraph "a" or "b"~~ or of a
24 person whose death occurred in the line of duty.

25 2. No more than one tax exemption shall be allowed under
26 this section or section 426A.11 in the name of a veteran,
27 as defined in this chapter or in section 35.1, subsection 2,
28 ~~paragraph "a" or "b"~~ or of a person whose death occurred in the
29 line of duty.

30 Sec. 6. Section 426A.13, unnumbered paragraphs 1 and 2, Code
31 2013, are amended to read as follows:

32 A person named in section 426A.11, who is a resident of
33 and domiciled in the state of Iowa, shall receive a reduction
34 equal to the exemption, to be made from any property owned
35 by the person or owned by a family farm corporation of which

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1 the person is a shareholder and occupant of the property and
2 so designated by proceeding as provided in the section. To
3 be eligible to receive the exemption, the person claiming it
4 shall have recorded in the office of the county recorder of
5 the county in which is located the property designated for the
6 exemption, evidence of property ownership by that person or the
7 family farm corporation of which the person is a shareholder
8 and the military certificate of satisfactory service, order
9 transferring to inactive status, reserve, retirement, order of
10 separation from service, honorable discharge or a copy of any
11 of these documents of the person claiming or through whom is
12 claimed the exemption. In the case of a person claiming the
13 exemption as a veteran described in section 35.1, subsection
14 2, paragraph "b", subparagraph (6) or (7), or under section
15 426A.11, subsection 4, paragraph "d", the person shall file the
16 statement required by section 35.2.

17 The person shall file with the appropriate assessor on forms
18 obtained from the assessor the claim for exemption for the year
19 for which the person is first claiming the exemption. The
20 claim shall be filed not later than July 1 of the year for which
21 the person is claiming the exemption. The claim shall set out
22 the fact that the person is a resident of and domiciled in the
23 state of Iowa, and a person within the terms of section 426A.11
24 or section 426A.12, and shall give the volume and page on which
25 the certificate of satisfactory service, order of separation,
26 retirement, furlough to reserve, inactive status, or honorable
27 discharge or certified copy thereof is recorded in the office
28 of the county recorder, and may include the designation of the
29 property from which the exemption is to be made, and shall
30 further state that the claimant is the equitable or legal owner
31 of the property designated or if the property is owned by a
32 family farm corporation, that the person is a shareholder of
33 that corporation and that the person occupies the property.
34 In the case of a person claiming the exemption as a veteran
35 described in section 35.1, subsection 2, paragraph "b",



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1 subparagraph (6) or (7), or under section 426A.11, subsection
2 4, paragraph "d", the person shall file the statement required
3 by section 35.2.

4 Sec. 7. IMPLEMENTATION. Section 25B.7 shall not apply to
5 the credits or exemptions in this Act except to the extent
6 provided in section 25B.7, subsection 2, paragraph "c".

7 Sec. 8. APPLICABILITY. This Act applies to property taxes
8 due and payable in fiscal years beginning on or after July 1,
9 2014.

10 EXPLANATION

11 This bill relates to property taxes of veterans and members
12 of the armed forces.

13 The disabled veterans tax credit under Code section 425.15
14 provides a credit on the homestead of an eligible veteran
15 who acquired the homestead under specified federal programs
16 in an amount equal to the entire amount of the tax levied on
17 the homestead. This bill modifies the qualifications for the
18 disabled veterans tax credit by adding to the list of veterans
19 who are eligible for the credit, the following: (1) a veteran
20 as defined in Code section 35.1 with a permanent and total
21 service-connected disability as certified by the United States
22 department of veterans affairs; and (2) a former member of the
23 national guard of any state who otherwise meets the service
24 requirements for Iowa national guard members under Code section
25 35.1(2)(b), subparagraph (2) or (7), with a permanent and total
26 service-connected disability as certified by the United States
27 department of veterans affairs. The bill also strikes the
28 income limitation qualifications for the disabled veteran tax
29 credit.

30 The bill enacts new Code section 425.15A, which provides
31 that the property tax on a disabled veteran's homestead shall
32 not increase from year to year. To receive this credit, the
33 veteran must file on or before June 30 in a manner similar
34 to filing for the regular homestead credit. Once the claim
35 is filed and allowed, the veteran does not have to file for



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1 successive years so long as the property is still owned and
2 used by the veteran as a homestead.

3 The bill defines "disabled veteran" for the purposes of new
4 Code section 425.15A to be a veteran as defined in Code section
5 35.1, and specified former members of the national guard of
6 any state who have a service-connected disability rating of at
7 least 50 percent as certified by the United States department
8 of veterans affairs.

9 Under current law, veterans of the First World War are
10 entitled to a property tax exemption of \$2,778 in taxable value
11 and honorably discharged veterans who served during other
12 specific time periods are entitled to a property tax exemption
13 of \$1,852 in taxable value. The bill removes the provision
14 relating to veterans of the first World War and increases the
15 exemption amount for all eligible veterans to \$3,705.

16 The bill also modifies the qualifications for the military
17 service property tax exemption and credit by adding to the list
18 of veterans who are eligible for the credit, the following:
19 (1) a resident of this state who is a current member of the
20 national guard, organized reserves, or regular component of the
21 armed forces of the United States; (2) a resident of this state
22 who is a former member of the national guard of any state who
23 otherwise meets the service requirements for members of the
24 Iowa national guard under Code section 35.1(2)(b), subparagraph
25 (2) or (7); and (3) a resident of this state who served on
26 federal active duty, other than training, in the armed forces
27 of the United States and who was discharged under honorable
28 conditions.

29 The bill also amends Code section 426A.12 relating to the
30 ability of relatives to claim the exemption and credit of a
31 veteran to add relatives of a member of the national guard,
32 organized reserves, or a regular component of the armed forces
33 of the United States whose death occurred in the line of duty.

34 Under current law, the state provides funding to local
35 governments for the military service property tax exemption and



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1 credit up to \$6.92 per \$1,000 of assessed value of the exempt
2 property. Code section 25B.7 provides that for a property tax
3 credit or exemption enacted on or after January 1, 1997, if a
4 state appropriation made to fund the credit or exemption is not
5 sufficient to fully fund the credit or exemption, the political
6 subdivision shall be required to extend to the taxpayer only
7 that portion of the credit or exemption estimated by the
8 department of revenue to be funded by the state appropriation.
9 The provisions of Code section 25B.7 apply to the military
10 service property tax credit and exemption to the extent of
11 \$6.92 per \$1,000 of assessed value of the exempt property.
12 The bill provides that Code section 25B.7 does not apply to
13 the credits or exemptions in the bill except to the extent of
14 \$6.92 per \$1,000 of assessed value of the exempt property for
15 the military service property tax exemption and credit.
16 The bill applies to property taxes due and payable in fiscal
17 years beginning on or after July 1, 2014.



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Senate File 107 - Introduced

SENATE FILE 107

BY ZAUN

A BILL FOR

1 An Act relating to the taxpayers trust fund by modifying the
2 transfer of moneys from the Iowa economic emergency fund
3 to the taxpayers trust fund, creating an Iowa tax rebate
4 payable from the taxpayers trust fund, creating a related
5 individual income tax exemption, and making appropriations,
6 and including effective date and retroactive applicability
7 provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1910XS (2) 85
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DIVISION I

TAXPAYERS TRUST FUND

1
2
3 Section 1. Section 8.54, subsection 5, Code 2013, is amended
4 by striking the subsection.

5 Sec. 2. Section 8.55, subsection 2, Code 2013, is amended
6 to read as follows:

7 2. The maximum balance of the fund is the amount equal to
8 two and one-half percent of the adjusted revenue estimate for
9 the fiscal year. If the amount of moneys in the Iowa economic
10 emergency fund is equal to the maximum balance, moneys in
11 excess of this amount shall be ~~distributed as follows:~~

12 ~~a. The first sixty million dollars of the difference between~~
13 ~~the actual net revenue for the general fund of the state for~~
14 ~~the fiscal year and the adjusted revenue estimate for the~~
15 ~~fiscal year shall be transferred to the taxpayers trust fund.~~

16 ~~b. The remainder of the excess, if any, shall be transferred~~
17 ~~to the general fund of the state.~~

18 Sec. 3. Section 8.58, Code 2013, is amended to read as
19 follows:

20 8.58 Exemption from automatic application.

21 1. ~~To the extent that moneys appropriated under section~~
22 ~~8.57 do not result in moneys being credited to the general fund~~
23 ~~under section 8.55, subsection 2, moneys~~ Moneys ~~appropriated~~
24 ~~under in~~ section 8.57 and moneys contained in the cash reserve
25 fund, rebuild Iowa infrastructure fund, environment first
26 fund, Iowa economic emergency fund, and taxpayers trust fund
27 shall not be considered in the application of any formula,
28 index, or other statutory triggering mechanism which would
29 affect appropriations, payments, or taxation rates, contrary
30 provisions of the Code notwithstanding.

31 2. ~~To the extent that moneys appropriated under section~~
32 ~~8.57 do not result in moneys being credited to the general fund~~
33 ~~under section 8.55, subsection 2, moneys~~ Moneys ~~appropriated~~
34 ~~under in~~ section 8.57 and moneys contained in the cash reserve
35 fund, rebuild Iowa infrastructure fund, environment first fund,

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1 Iowa economic emergency fund, and taxpayers trust fund shall
2 not be considered by an arbitrator or in negotiations under
3 chapter 20.

4 Sec. 4. EFFECTIVE UPON ENACTMENT. This division of this
5 Act, being deemed of immediate importance, takes effect upon
6 enactment.

7 Sec. 5. RETROACTIVE APPLICABILITY. This division of this
8 Act applies retroactively to July 1, 2012, to moneys attributed
9 to fiscal years beginning on or after July 1, 2012.

10 DIVISION II

11 IOWA TAX REBATE

12 Sec. 6. Section 422.7, Code 2013, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 6. a. Subtract the refund received from
15 the Iowa tax rebate pursuant to the section of this division of
16 this Act providing for the Iowa tax rebate, to the extent that
17 the refund increased federal adjusted gross income.

18 b. This subsection is repealed on June 30, 2018.

19 Sec. 7. TAXPAYERS TRUST FUND — IOWA TAX REBATE
20 APPROPRIATION. The balance of the taxpayers trust fund
21 as determined after the close of the fiscal year beginning
22 July 1, 2012, and ending June 30, 2013, including the amount
23 transferred for that fiscal year to the taxpayers trust fund
24 from the Iowa economic emergency fund created in section 8.55
25 in the fiscal year beginning July 1, 2013, and ending June 30,
26 2014, is appropriated from the taxpayers trust fund to the
27 department of revenue for the fiscal year beginning July 1,
28 2013, and ending June 30, 2014, to be used for payment of the
29 Iowa tax rebate in accordance with the section of this division
30 of this Act providing for the Iowa tax rebate.

31 Sec. 8. IOWA TAX REBATE.

32 1. For purposes of this section:

33 a. "Eligible individual" means an individual who makes
34 and files an individual income tax return pursuant to section
35 422.13 for the tax year beginning in 2012, and who has a state

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1 income tax liability for the tax year beginning in 2012. An
2 eligible individual does not include an estate or trust, or an
3 individual for whom a 2012 individual income tax return was not
4 timely filed, including extensions.

5 b. "State income tax liability" means the taxes computed
6 under section 422.5, less the amounts of refundable and
7 nonrefundable credits allowed under chapter 422, division II,
8 except the credits for withheld tax and estimated tax paid
9 under section 422.16.

10 2. An eligible individual shall be treated as having made an
11 additional payment against the taxes imposed in chapter 422,
12 division II, for the tax year beginning in 2012, in an amount
13 as determined in subsection 3.

14 3. The payment amount treated as made by the eligible
15 individual shall be equal to the quotient of the amount
16 appropriated to the department of revenue by this division of
17 this Act for purposes of the Iowa tax rebate divided by the
18 number of eligible individuals, as determined by the director
19 of revenue in accordance with this section, rounded down to the
20 nearest whole dollar.

21 4. The payment of tax deemed made under subsection 2 by
22 an eligible individual shall be considered an overpayment and
23 shall be credited by the department of revenue against any
24 tax due under chapter 422, division II, from the eligible
25 individual who is deemed to have made the overpayment. If an
26 overpayment remains after the credit is applied to the amount
27 of tax due, the remaining amount shall be refunded by the
28 department of revenue no later than June 30, 2014.

29 5. Notwithstanding any other provision of this division of
30 this Act or chapter 422, interest shall not be allowed on any
31 overpayment attributable to this section.

32 Sec. 9. EFFECTIVE UPON ENACTMENT. This division of this
33 Act, being deemed of immediate importance, takes effect upon
34 enactment.

35

EXPLANATION

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1 This bill relates to the taxpayers trust fund by modifying
2 the transfer of moneys from the Iowa economic emergency fund to
3 the taxpayers trust fund, creating an Iowa tax rebate payable
4 from the taxpayers trust fund, creating a related individual
5 income tax exemption, and making an appropriation from the
6 fund.

7 Division I of the bill relates to the transfer of moneys from
8 the Iowa economic emergency fund to the taxpayers trust fund.

9 Under current law in Code section 8.55, when the balance of
10 the Iowa economic emergency fund is equal to the fund's maximum
11 balance, the excess is first distributed to the taxpayers trust
12 fund up to a formula amount and the remainder is transferred to
13 the general fund of the state. The division provides that the
14 entire excess is transferred to the taxpayers trust fund and
15 moneys would no longer be transferred to the general fund of
16 the state.

17 Code section 8.54, relating to the state general fund
18 expenditure limitation, is amended to delete a subsection that
19 provides for readjustment of the expenditure limitation to
20 reflect moneys anticipated to be transferred to the general
21 fund of the state from the Iowa economic emergency fund.

22 Code section 8.58, providing an exemption from statutory
23 triggering mechanisms and consideration by an arbitrator or in
24 a collective bargaining negotiation under Code chapter 20 for
25 moneys in various funds, is amended to eliminate a reference
26 to the transfer from the Iowa economic emergency fund to the
27 general fund of the state.

28 The division takes effect upon enactment and applies
29 retroactively to July 1, 2012, to moneys attributed to fiscal
30 years beginning on or after July 1, 2012.

31 Division II relates to an Iowa tax rebate payable from an
32 appropriation from the taxpayers trust fund, and an Iowa income
33 tax exemption for the Iowa tax rebate.

34 The bill appropriates the balance of the taxpayers trust
35 fund, as determined after the close of fiscal year 2012-2013,



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1 including the amount transferred for that fiscal year from the
2 Iowa economic emergency fund to the taxpayers trust fund in
3 fiscal year 2013-2014, to the department of revenue for the
4 purpose of providing an Iowa tax rebate.

5 The bill provides a one-time individual income tax rebate
6 to eligible individuals using the moneys appropriated from the
7 taxpayers trust fund to the department of revenue. "Eligible
8 individual" is defined as an individual who timely filed an
9 Iowa individual income tax return for 2012, and who had a state
10 income tax liability for 2012. An eligible individual does not
11 include an estate or trust. "State income tax liability" is
12 defined as the tax computed under Code section 422.5, less the
13 amounts of refundable and nonrefundable credits allowed under
14 Code chapter 422, division II, except the credits for withheld
15 tax and estimated tax paid in Code section 422.16.

16 Each eligible individual is treated as having made an
17 additional payment against the individual's 2012 income tax
18 liability in an amount equal to the quotient of the total
19 appropriation for the Iowa tax rebate divided by the number
20 of eligible individuals, rounded down to the nearest whole
21 dollar. The director is required to refund no later than June
22 30, 2014, any amount attributable to this payment that exceeds
23 the individual's tax liability.

24 The bill also provides an exemption from the state
25 individual income tax for the amount received from the Iowa
26 tax rebate to the extent the rebate increased federal adjusted
27 gross income. The income tax exemption is automatically
28 repealed on June 30, 2018.



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Senate File 108 - Introduced

SENATE FILE 108

BY ZAUN

(COMPANION TO HF 52 BY
PETTENGILL)

A BILL FOR

- 1 An Act exempting investment counseling services from the state
- 2 sales tax.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1799XS (1) 85
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1 Section 1. Section 423.2, subsection 6, paragraph a, Code
2 2013, is amended to read as follows:
3 a. The sales price of any of the following enumerated
4 services is subject to the tax imposed by subsection
5 5: alteration and garment repair; armored car; vehicle
6 repair; battery, tire, and allied; ~~investment counseling;~~
7 service charges of all financial institutions, excluding
8 service charges for investment counseling; barber and beauty;
9 boat repair; vehicle wash and wax; campgrounds; carpentry;
10 roof, shingle, and glass repair; dance schools and dance
11 studios; dating services; dry cleaning, pressing, dyeing, and
12 laundering; electrical and electronic repair and installation;
13 excavating and grading; farm implement repair of all kinds;
14 flying service; furniture, rug, carpet, and upholstery
15 repair and cleaning; fur storage and repair; golf and country
16 clubs and all commercial recreation; gun and camera repair;
17 house and building moving; household appliance, television,
18 and radio repair; janitorial and building maintenance or
19 cleaning; jewelry and watch repair; lawn care, landscaping,
20 and tree trimming and removal; limousine service, including
21 driver; machine operator; machine repair of all kinds; motor
22 repair; motorcycle, scooter, and bicycle repair; oilers and
23 lubricators; office and business machine repair; painting,
24 papering, and interior decorating; parking facilities; pay
25 television; pet grooming; pipe fitting and plumbing; wood
26 preparation; executive search agencies; private employment
27 agencies, excluding services for placing a person in employment
28 where the principal place of employment of that person is
29 to be located outside of the state; reflexology; security
30 and detective services; sewage services for nonresidential
31 commercial operations; sewing and stitching; shoe repair
32 and shoeshine; sign construction and installation; storage
33 of household goods, mini-storage, and warehousing of raw
34 agricultural products; swimming pool cleaning and maintenance;
35 tanning beds or salons; taxidermy services; telephone

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1 answering service; test laboratories, including mobile testing
2 laboratories and field testing by testing laboratories, and
3 excluding tests on humans or animals; termite, bug, roach, and
4 pest eradicators; tin and sheet metal repair; transportation
5 service consisting of the rental of recreational vehicles or
6 recreational boats, or the rental of motor vehicles subject
7 to registration which are registered for a gross weight of
8 thirteen tons or less for a period of sixty days or less, or
9 the rental of aircraft for a period of sixty days or less;
10 Turkish baths, massage, and reducing salons, excluding services
11 provided by massage therapists licensed under chapter 152C;
12 water conditioning and softening; weighing; welding; well
13 drilling; wrapping, packing, and packaging of merchandise other
14 than processed meat, fish, fowl, and vegetables; wrecking
15 service; wrecker and towing.

16 EXPLANATION

17 This bill exempts the furnishing of investment counseling
18 services from the state sales tax.

19 By operation of Code section 423.6, an item exempt from the
20 imposition of the sales tax is also exempt from the use tax
21 imposed in Code section 423.5.



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Senate File 109 - Introduced

SENATE FILE 109

BY BOLKCOM, BRASE, RAGAN,
BEALL, SCHOENJAHN, HATCH,
BLACK, WILHELM, HORN,
PETERSEN, SENG, and DOTZLER

A BILL FOR

1 An Act relating to the department on aging, and making an
2 appropriation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1631XS (3) 85
pf/rj



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S.F. 109

1 Section 1. DEPARTMENT ON AGING — APPROPRIATION. There
2 is appropriated from the general fund of the state to the
3 department on aging for the fiscal year beginning July 1,
4 2013, and ending June 30, 2014, the following amount, or so
5 much thereof as is necessary, to be used for the purposes
6 designated:

7 For aging programs for the department on aging and
8 area agencies on aging to provide citizens of Iowa who are
9 60 years of age and older with case management for frail
10 elders services, services available from Iowa's aging and
11 disabilities resource center, and other services which may
12 include but are not limited to adult day services, respite
13 care, chore services, information and assistance, and
14 material aid, and information and options counseling for
15 persons with disabilities who are 18 years of age or older;
16 and for salaries, support, administration, maintenance, and
17 miscellaneous purposes:

18 \$ 13,849,329

19 EXPLANATION

20 This bill makes an appropriation from the general fund of the
21 state to the department on aging for FY 2013-2014 in the amount
22 of \$13,849,329 to support aging programs for the department and
23 the area agencies on aging to provide services to citizens of
24 Iowa who are 60 years of age and older.



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Senate File 110 - Introduced

SENATE FILE 110
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 1002)

A BILL FOR

1 An Act relating to conformity with federal law concerning
2 unemployment insurance employer charges and claimant
3 misrepresentation regarding benefit overpayments, providing
4 a penalty, and including applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1129SV (2) 85
je/rj



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S.F. 110

1 Section 1. Section 96.3, subsection 7, paragraph b,
2 subparagraph (1), Code 2013, is amended to read as follows:

3 (1) (a) If the department determines that an overpayment
4 has been made, the charge for the overpayment against the
5 employer's account shall be removed and the account shall
6 be credited with an amount equal to the overpayment from
7 the unemployment compensation trust fund and this credit
8 shall include both contributory and reimbursable employers,
9 notwithstanding section 96.8, subsection 5. The employer shall
10 not be relieved of charges if benefits are paid because the
11 employer or an agent of the employer failed to respond timely
12 or adequately to the department's request for information
13 relating to the payment of benefits. This prohibition
14 against relief of charges shall apply to both contributory and
15 reimbursable employers.

16 (b) However, provided the benefits were not received as the
17 result of fraud or willful misrepresentation by the individual,
18 benefits shall not be recovered from an individual if the
19 employer did not participate in the initial determination to
20 award benefits pursuant to section 96.6, subsection 2, and
21 an overpayment occurred because of a subsequent reversal on
22 appeal regarding the issue of the individual's separation
23 from employment. ~~The employer shall not be charged with the~~
24 ~~benefits.~~

25 Sec. 2. Section 96.16, subsection 4, Code 2013, is amended
26 to read as follows:

27 4. *Misrepresentation.*

28 a. An individual who, by reason of the nondisclosure or
29 misrepresentation by the individual or by another of a material
30 fact, has received any sum as benefits under this chapter
31 while any conditions for the receipt of benefits imposed by
32 this chapter were not fulfilled in the individual's case, or
33 while the individual was disqualified from receiving benefits,
34 shall, in the discretion of the department, either be liable
35 to have the sum deducted from any future benefits payable to

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1 the individual under this chapter or shall be liable to repay
2 to the department for the unemployment compensation fund, a
3 sum equal to the amount so received by the individual. If
4 the department seeks to recover the amount of the benefits by
5 having the individual pay to the department a sum equal to that
6 amount, the department may file a lien with the county recorder
7 in favor of the state on the individual's property and rights
8 to property, whether real or personal. The amount of the lien
9 shall be collected in a manner similar to the provisions for
10 the collection of past-due contributions in section 96.14,
11 subsection 3.

12 b. The department shall assess a penalty equal to fifteen
13 percent of the amount of a fraudulent overpayment. The penalty
14 shall be collected in the same manner as the overpayment. The
15 penalty shall be added to the amount of any lien filed pursuant
16 to paragraph "a" and shall not be deducted from any future
17 benefits payable to the individual under this chapter. Funds
18 received for overpayment penalties shall be deposited in the
19 unemployment trust fund.

20 Sec. 3. APPLICABILITY. The section of this Act amending
21 section 96.3, subsection 7, relating to relief of charges
22 applies to any overpayment determination issued on or after
23 July 1, 2013.

24 Sec. 4. APPLICABILITY. The section of this Act amending
25 section 96.16, subsection 4, providing a penalty relating to
26 fraudulent overpayment applies to any fraudulent overpayment
27 issued on or after July 1, 2013.

28 EXPLANATION

29 This bill conforms the state unemployment compensation law
30 to the requirements of sections 251 and 252 of the federal
31 Trade Adjustment Assistance Extension Act of 2011, Pub. L. No.
32 112-40.

33 The bill prohibits the department of workforce development
34 from relieving an employer of charges against the employer's
35 account for an overpayment of unemployment compensation

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1 benefits if the overpayment occurred because the employer or an
2 agent of the employer failed to respond timely or adequately
3 to the department's request for information relating to the
4 payment of the benefits.

5 The bill removes the prohibition against charging an
6 employer's account for an overpayment of unemployment
7 compensation benefits when the overpayment is not recovered
8 from the claimant because the employer did not participate in
9 an initial determination to award benefits and the overpayment
10 occurred because of a subsequent reversal on appeal regarding
11 the issue of the claimant's separation from employment.

12 The bill establishes a penalty on individuals who receive
13 unemployment compensation benefits through fraud. The penalty
14 is equal to 15 percent of the amount of the overpayment and is
15 to be collected in the same manner as the overpayment but shall
16 not be collected from any future benefits.

17 The bill applies to any overpayment determination or
18 fraudulent overpayment issued on or after July 1, 2013.



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Senate File 111 - Introduced

SENATE FILE 111
BY SODDERS

A BILL FOR

1 An Act relating to the sale, operation, and possession of speed
2 detection jamming devices, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1931XS (2) 85
dea/nh



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1 Section 1. Section 321.232, Code 2013, is amended to read
2 as follows:

3 **321.232 Radar Speed detection jamming devices — penalty.**

4 1. A person shall not sell, operate, or possess a radar
5 speed detection jamming device, except as otherwise provided in
6 this section, when the device is in a vehicle operated on the
7 highways of this state or the device is held for sale in this
8 state.

9 2. This section does not apply to radar speed measuring
10 devices purchased by, held for purchase for, or operated by
11 peace officers using the devices in performance of their
12 official duties.

13 3. A radar speed detection jamming device sold, operated, or
14 possessed in violation of subsection 1 may be seized by a peace
15 officer and is subject to forfeiture as provided by chapter 809
16 or 809A.

17 4. For the purposes of this section ~~“radar jamming device”:~~

18 a. “Speed detection jamming device” means any mechanism
19 ~~designed or used to transmit radio waves in the electromagnetic~~
20 ~~wave spectrum to interfere with the reception of those~~
21 ~~emitted from a device used by peace officers of this state to~~
22 ~~measure the speed of motor vehicles on the highways of this~~
23 ~~state and which is not designed for two-way transmission and~~
24 ~~cannot transmit in plain language~~ active or passive device,
25 instrument, mechanism, or equipment that is designed or
26 intended to interfere with, disrupt, or scramble the radar or
27 laser that is used by a peace officer to measure the speed
28 of motor vehicles. “Speed detection jamming device” does not
29 include equipment that is legal under federal communications
30 commission regulations, such as a citizens’ band radio, a ham
31 radio, or other similar electronic equipment.

32 b. “Speed measuring device” includes but is not limited to
33 devices commonly known as radar speed meters or laser speed
34 meters.

35 Sec. 2. Section 805.8A, subsection 14, paragraph g, Code

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1 2013, is amended to read as follows:

2 *g. ~~Radar-jamming~~ Speed detection jamming devices.* For a
3 violation under section 321.232, the scheduled fine is one
4 hundred dollars.

5 EXPLANATION

6 Current Iowa law prohibiting the sale, operation, or
7 possession of a radar jamming device applies only to certain
8 devices which are designed or used to interfere with radio
9 waves emitted by devices used by peace officers to measure the
10 speed of motor vehicles.

11 This bill expands the current law to apply to a broader
12 range of devices that interfere with radar speed meters and
13 laser speed meters. The bill defines "speed detection jamming
14 device" to mean any active or passive device, instrument,
15 mechanism, or equipment that is designed or intended to
16 interfere with, disrupt, or scramble the radar or laser that is
17 used by a peace officer to measure the speed of motor vehicles.
18 The definition excludes equipment that is legal under federal
19 communications commission regulations, such as a citizens' band
20 radio, a ham radio, or other similar electronic equipment.

21 The bill specifies that its provisions do not apply to
22 speed measuring devices purchased by, held for purchase for,
23 or operated by peace officers in performance of their official
24 duties.

25 Under the bill, the sale, operation, or possession of a speed
26 detection jamming device is prohibited when the device is in a
27 vehicle operated on a highway in this state or held for sale in
28 this state. A speed detection jamming device sold, operated,
29 or possessed in violation of the bill may be seized by a peace
30 officer and is subject to forfeiture, as is currently the case
31 for radar jamming devices.

32 Currently, a violation relating to radar jamming devices is
33 a simple misdemeanor punishable by a scheduled fine of \$100.
34 That same penalty applies for violations relating to speed
35 detection jamming devices under the bill.

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dea/nh

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Senate File 112 - Introduced

SENATE FILE 112
BY ZAUN

A BILL FOR

1 An Act relating to the corporate income tax rates imposed
2 on corporations and including retroactive applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1780XS (1) 85
mm/sc



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1 Section 1. Section 422.33, subsection 1, Code 2013, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 1. a. A tax is imposed annually upon each corporation doing
5 business in this state, or deriving income from sources within
6 this state, at the rate of six percent of the taxable income
7 received by the corporation during the income year.

8 b. For purposes of this section:

9 (1) "*Income from sources within this state*" means income
10 from real, tangible, or intangible property located or having
11 a situs in this state.

12 (2) "*Taxable income*" means the net income as calculated in
13 section 422.35 and determined to be reasonably attributable to
14 Iowa pursuant to subsections 2 and 3.

15 Sec. 2. Section 422.33, subsection 1A, Code 2013, is amended
16 to read as follows:

17 1A. There is imposed upon each corporation exempt from
18 the general business tax on corporations by section 422.34,
19 subsection 2, a tax at the rates rate specified in subsection 1
20 upon the state's apportioned share computed in accordance with
21 subsections 2 and 3 of the unrelated business income computed
22 in accordance with the Internal Revenue Code and with the
23 adjustments set forth in section 422.35.

24 Sec. 3. Section 422.33, subsection 4, unnumbered paragraph
25 1, Code 2013, is amended to read as follows:

26 In addition to all taxes imposed under this division,
27 there is imposed upon each corporation doing business within
28 the state the greater of the tax determined in subsection 1,
29 ~~paragraphs "a" through "d"~~ or the state alternative minimum tax
30 equal to sixty percent of the maximum state corporate income
31 tax rate, rounded to the nearest one-tenth of one percent, of
32 the state alternative minimum taxable income of the taxpayer
33 computed under this subsection.

34 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies
35 retroactively to January 1, 2013, for tax years beginning on

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1 or after that date.

2 EXPLANATION

3 This bill relates to the tax rates applied to corporations.

4 Currently, the corporate income tax is imposed in a
5 progressive manner using four income brackets with increasing
6 rates: on the first \$25,000 of income, the rate is 6 percent;
7 on income between \$25,000 and \$100,000, the rate is 8 percent;
8 on income between \$100,000 and \$250,000, the rate is 10
9 percent; on income of \$250,000 or more, the rate is 12 percent.

10 The bill eliminates this tiered bracket and rate structure and
11 imposes the tax at the rate of 6 percent on the corporation's
12 taxable income.

13 The bill applies retroactively to tax years beginning on or
14 after January 1, 2013.



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Senate File 113 - Introduced

SENATE FILE 113

BY HOGG, FEENSTRA, BOETTGER,
GUTH, SEGEBART, BREITBACH,
BEALL, SODDERS, HATCH, and
BOLKCOM

A BILL FOR

1 An Act relating to the exemption of gaming floors from the
2 prohibitions of the smokefree air Act.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1106XS (4) 85
pf/rj



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S.F. 113

1 Section 1. Section 142D.4, subsection 10, Code 2013, is
2 amended by striking the subsection.

3 EXPLANATION

4 This bill eliminates the exception under the smokefree air
5 Act (Code chapter 142D), allowing smoking on the gaming floors
6 of the premises licensed pursuant to Code chapter 99F (gambling
7 structures, excursion gambling boats, and racetracks). The
8 bill thereby subjects the entirety of these premises to the
9 smoking prohibitions of the Act.



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Senate File 114 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED TREASURER OF
STATE BILL)

A BILL FOR

1 An Act relating to the filing of a certificate of deposit
2 by the owner of a motor vehicle as proof of financial
3 responsibility.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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dea/nh



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1 Section 1. Section 321.1, subsection 24B, paragraph c, Code
2 2013, is amended to read as follows:
3 c. ~~A valid statement issued by the treasurer of state~~
4 ~~pursuant to certificate of deposit filed with the department~~
5 ~~as provided in section 321A.25 attesting to the filing of a~~
6 ~~certificate of deposit with the treasurer of state.~~
7 Sec. 2. Section 321A.18, subsection 3, Code 2013, is amended
8 to read as follows:
9 3. ~~A statement issued by the treasurer of state attesting to~~
10 ~~the filing of a certificate of deposit with the treasurer of~~
11 ~~state as provided in section 321A.25.~~
12 Sec. 3. Section 321A.25, Code 2013, is amended to read as
13 follows:
14 **321A.25 Certificate of deposit as proof.**
15 1. Proof of financial responsibility may be evidenced
16 ~~by the statement of the treasurer of state that the person~~
17 ~~named in the statement has filed filing with the treasurer~~
18 ~~of state department~~ fifty-five thousand dollars in the form
19 of an ~~endorsed~~ a certificate of deposit made payable jointly
20 to the ~~person and the treasurer of state department.~~ The
21 certificate of deposit shall be obtained from an Iowa financial
22 institution in the amount of fifty-five thousand dollars plus
23 any early withdrawal penalty fee. ~~The treasurer of state~~
24 ~~shall promptly notify the director of transportation of the~~
25 ~~name and address of the person to whom the statement has been~~
26 ~~issued.~~ Upon receipt of the notification certificate of
27 deposit, the ~~director of transportation department~~ shall issue
28 to the person a security insurance card for each motor vehicle
29 registered in this state by the person. The security insurance
30 card shall state the name and address of the person and the
31 registration number of the motor vehicle for which the card is
32 issued. ~~The treasurer of state shall not accept a certificate~~
33 ~~of deposit and issue a statement for it and the department~~
34 shall not accept ~~the statement~~ a certificate of deposit unless
35 accompanied by evidence that there are no unsatisfied judgments



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1 of any character against the person in the county where the
2 person resides.

3 2. Such certificate of deposit shall be held by the
4 ~~treasurer of state~~ department to satisfy, in accordance with
5 this chapter, any execution on a judgment issued against
6 the person filing the certificate of deposit, for damages,
7 including damages for care and loss of services, because of
8 bodily injury to or death of any person, or for damages because
9 of injury to or destruction of property, including the loss of
10 use of property, resulting from the ownership, maintenance,
11 use, or operation of a motor vehicle after the certificate of
12 deposit was filed. A certificate of deposit so filed shall not
13 be subject to attachment or execution unless the attachment
14 or execution arises out of a suit for damages as previously
15 provided in this subsection.

16 Sec. 4. Section 321A.27, Code 2013, is amended to read as
17 follows:

18 **321A.27 Substitution of proof.**

19 The department shall consent to the cancellation of a bond
20 or certificate of insurance or the department shall ~~direct and~~
21 ~~the treasurer of state shall~~ return a certificate of deposit
22 to the person entitled to the certificate of deposit upon
23 the substitution and acceptance of other adequate proof of
24 financial responsibility pursuant to this chapter.

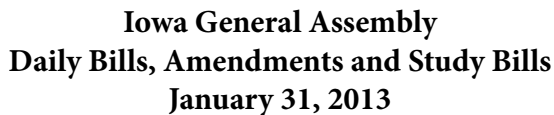
25 Sec. 5. Section 321A.29, subsection 1, unnumbered paragraph
26 1, Code 2013, is amended to read as follows:

27 The department shall upon request consent to the immediate
28 cancellation of a bond or certificate of insurance, or the
29 department shall ~~direct and the treasurer of state shall~~ return
30 to the person entitled thereto a certificate of deposit filed
31 pursuant to this chapter as proof of financial responsibility,
32 or the department shall waive the requirement of filing proof,
33 in any of the following events:

34 Sec. 6. Section 321A.29, subsection 2, Code 2013, is amended
35 to read as follows:

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1 2. The department shall not consent to the cancellation
2 of a bond or the return of a certificate of deposit in the
3 event an action for damages upon a liability covered by such
4 proof is then pending or a judgment upon any such liability is
5 unsatisfied, or in the event the person who has filed such bond
6 or such certificate of deposit has within one year immediately
7 preceding such request been involved as an operator or owner in
8 any motor vehicle accident resulting in injury or damage to the
9 person or property of others. An affidavit of the applicant as
10 to the nonexistence of such facts, or that the applicant has
11 been released from all of the applicant's liability, or has
12 been finally adjudicated not to be liable, for such injury or
13 damage, shall be sufficient evidence thereof in the absence of
14 evidence to the contrary in the records of the department.

16 Under current law, a person who is required to file proof of
17 financial responsibility in order to operate a motor vehicle
18 may do so by filing \$55,000 with the treasurer of state in
19 the form of a certificate of deposit made payable jointly to
20 the person and the treasurer of state. This bill amends Code
21 section 321A.25 to provide that the certificate of deposit
22 is to be made payable to the department of transportation
23 and filed directly with the department, rather than with the
24 treasurer of state. The bill makes conforming amendments
25 to the definition of "financial liability coverage" in Code
26 section 321.1, the list of alternate methods of filing proof of
27 financial responsibility contained in Code section 321A.18, and
28 related provisions in Code sections 321A.27 and 321A.29.



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Senate File 115 - Introduced

SENATE FILE 115
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BOWMAN)

A BILL FOR

1 An Act relating to intermediate driver's licenses and special
2 minor's licenses, making a penalty applicable, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321.180B, subsection 2, Code 2013, is
2 amended to read as follows:
3 2. *Intermediate license.*
4 a. The department may issue an intermediate driver's license
5 to a person sixteen or seventeen years of age who possesses an
6 instruction permit issued under subsection 1 or a comparable
7 instruction permit issued by another state for a minimum of
8 ~~six~~ twelve months immediately preceding application, and
9 who presents an affidavit signed by a parent, guardian, or
10 custodian on a form to be provided by the department that the
11 permittee has accumulated a total of twenty hours of street
12 or highway driving of which two hours were conducted after
13 sunset and before sunrise and the street or highway driving was
14 with the permittee's parent, guardian, custodian, instructor,
15 a person certified by the department, or a person at least
16 twenty-five years of age who had written permission from a
17 parent, guardian, or custodian to accompany the permittee, and
18 whose driving privileges have not been suspended, revoked,
19 or barred under this chapter or chapter 321J during, and who
20 has been accident and violation free continuously for, the
21 six-month period immediately preceding the application for an
22 intermediate license. An applicant for an intermediate license
23 must meet the requirements of section 321.186, including
24 satisfactory completion of driver education as required in
25 section 321.178, and payment of the required license fee before
26 an intermediate license will be issued. A person issued an
27 intermediate license must limit the number of passengers in
28 the motor vehicle when the intermediate licensee is operating
29 the motor vehicle to the number of passenger safety belts. In
30 addition, for the first six months following issuance of the
31 license, a person issued an intermediate license must limit the
32 number of unrelated minor passengers in the motor vehicle when
33 the intermediate licensee is operating the motor vehicle to
34 one, except when the intermediate licensee is accompanied in
35 accordance with subsection 1. For purposes of this subsection,

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1 "unrelated minor passenger" means a passenger who is under
2 eighteen years of age and who is not a sibling of the driver, a
3 stepsibling of the driver, or a child who resides in the same
4 household as the driver.

5 **b.** Except as otherwise provided, a person issued an
6 intermediate license under this subsection who is operating a
7 motor vehicle between the hours of 12:30 a.m. and 5:00 a.m.
8 must be accompanied by a person issued a driver's license
9 valid for the vehicle operated who is the parent, guardian, or
10 custodian of the permittee intermediate licensee, a member of
11 the permittee's intermediate licensee's immediate family if the
12 family member is at least twenty-one years of age, an approved
13 driver education instructor, a prospective driver education
14 instructor who is enrolled in a practitioner preparation
15 program with a safety education program approved by the state
16 board of education, or a person at least twenty-five years of
17 age if written permission is granted by the parent, guardian,
18 or custodian, and who is actually occupying a seat beside the
19 driver. However, a licensee may operate a vehicle to and from
20 school-related extracurricular activities and work without an
21 accompanying driver between the hours of 12:30 a.m. and 5:00
22 a.m. if such the licensee possesses a waiver on a form to be
23 provided by the department. An accompanying driver is not
24 required between the hours of 5:00 a.m. and 12:30 a.m.

25 Sec. 2. Section 321.194, subsection 1, Code 2013, is amended
26 by adding the following new paragraph:

27 NEW PARAGRAPH. *0b.* Unless accompanied in accordance with
28 section 321.180B, subsection 1, a person issued a driver's
29 license pursuant to this section must limit the number of
30 unrelated minor passengers in the motor vehicle when the
31 licensee is operating the motor vehicle to one. For purposes
32 of this section, *"unrelated minor passenger"* means a passenger
33 who is under eighteen years of age and who is not a sibling of
34 the driver, a stepsibling of the driver, or a child who resides
35 in the same household as the driver.

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1 Sec. 3. EFFECTIVE DATE. This Act takes effect January 1,
2 2014.

3 EXPLANATION

4 This bill amends provisions relating to intermediate
5 driver's licenses under the graduated driver licensing program
6 and to special minor's licenses issued for travel to and from
7 school.

8 Under the graduated driver licensing program, a person who
9 is 16 or 17 years of age must possess an instruction permit for
10 a minimum of six months to qualify for an intermediate license.
11 During that period, the permittee must accumulate a total of
12 20 hours of street or highway driving while accompanied by
13 the permittee's parent, guardian, custodian, or instructor,
14 a person certified by the department of transportation, or a
15 person at least 25 years of age with written permission from a
16 parent, guardian, or custodian to accompany the permittee. The
17 hours of accompanied driving must include two hours conducted
18 after sunset and before sunrise. The bill increases the
19 required period of possession of an instruction permit to 12
20 months, with no change in the required hours of accompanied
21 driving.

22 Under current law, an intermediate licensee may transport
23 only as many passengers as there are seatbelts in the vehicle,
24 but there is no passenger restriction specified for a driver
25 with a special minor's license. The bill imposes a new
26 passenger restriction for licensees in both categories.
27 Unless accompanied by a person licensed to drive the vehicle
28 operated who is the parent, guardian, or custodian of the
29 intermediate licensee, a family member who is at least 21 years
30 of age, an approved driver education instructor, a prospective
31 driver education instructor who is enrolled in a qualifying
32 practitioner preparation program, or a person at least 25 years
33 of age with the written permission of the parent, guardian, or
34 custodian of the intermediate licensee and who is occupying a
35 seat beside the driver, a person with an intermediate license

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1 or a special minor's license may not operate a motor vehicle
2 with more than one unrelated minor passenger in the vehicle.
3 The restriction on unrelated minor passengers is lifted for
4 an intermediate licensee after six months. The bill defines
5 "unrelated minor passenger" as a passenger under 18 years of
6 age who is not a sibling or stepsibling of the driver or a child
7 who resides in the same household as the driver.

8 A violation of intermediate driver's license restrictions or
9 special minor's license restrictions is a simple misdemeanor
10 punishable by a scheduled fine of \$50.

11 The bill takes effect January 1, 2014.



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Senate File 116 - Introduced

SENATE FILE 116
BY BEALL and DEARDEN

A BILL FOR

1 An Act requiring the display of a red flag while persons being
2 towed by a vessel are in the water and making penalties
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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av/sc



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S.F. 116

1 Section 1. Section 462A.15, subsection 1, Code 2013, is
2 amended to read as follows:
3 1. a. ~~No~~ A person shall not operate a vessel on any
4 waters of this state under the jurisdiction of the commission
5 ~~for towing and tow~~ a person or persons on water skis, a
6 surfboard, or a similar device unless ~~there is in such vessel a~~
7 responsible person, in addition to the operator, ~~in a position~~
8 ~~to observe~~ is in the vessel and observing the progress of the
9 person or persons being towed.
10 b. The operator shall ensure that the responsible person
11 raises a bright red flag whenever a person is preparing to be
12 towed or falls into the water, until the person is removed from
13 the water or is being towed. The flag shall be at least twelve
14 inches square, shall be displayed on a pole that is at least
15 twenty-four inches high, and shall be visible in all directions
16 around the horizon.

17 EXPLANATION

18 This bill provides that whenever a person on water skis,
19 a surfboard, or a similar device is preparing to be towed by
20 a vessel or falls into the water, a responsible person other
21 than the operator of the vessel, is required to raise a bright
22 red flag until the person is removed from the water or is being
23 towed. The flag is required to be not less than 12 inches
24 square, be displayed on a pole not less than 24 inches high,
25 and be visible in all directions around the horizon.
26 A person who violates this provision is subject to a
27 scheduled fine of \$25 pursuant to Code section 805.8B(1)(c).

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av/sc

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Senate File 117 - Introduced

SENATE FILE 117
BY BEALL, SCHOENJAHN, SENG,
HART, and TAYLOR

A BILL FOR

1 An Act establishing a rural Iowa chiropractic care loan
2 repayment program and trust fund to be administered by the
3 college student aid commission.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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je/nh



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S.F. 117

1 Section 1. NEW SECTION. 261.7A Rural Iowa chiropractic care
2 loan repayment program — fund — appropriations.

3 1. *Program established.* A rural Iowa chiropractic care
4 loan repayment program is established to be administered by the
5 college student aid commission for purposes of providing loan
6 repayments for resident graduate students who agree to practice
7 as chiropractors in service commitment areas for five years and
8 meet the requirements of this section.

9 2. *Eligibility.* An individual is eligible to apply to enter
10 into a program agreement with the commission if the individual
11 is enrolled full-time in and receives a recommendation from an
12 eligible institution in a curriculum leading to a chiropractic
13 degree.

14 3. *Program agreements.* A program agreement shall be
15 entered into by an eligible student and the commission when
16 the eligible student begins the curriculum leading to a
17 chiropractic degree. Under the agreement, to receive loan
18 repayments pursuant to subsection 5, an eligible student shall
19 agree to and shall fulfill all of the following requirements:

20 a. Receive a chiropractic degree from an eligible
21 institution and apply for, enter, and complete a residency
22 program approved by the commission.

23 b. Apply for and obtain a license to practice chiropractic
24 in this state.

25 c. Complete the residency program requirement with an
26 Iowa-based residency program.

27 d. Within nine months of graduating from the residency
28 program and receiving a permanent license in accordance with
29 paragraph "b", engage in the full-time practice of chiropractic
30 for a period of sixty consecutive months in the service
31 commitment area specified under subsection 6, unless the loan
32 repayment recipient receives a waiver from the commission to
33 complete the months of practice required under the agreement in
34 another service commitment area pursuant to subsection 6.

35 4. *Priority to Iowa residents.* The commission shall give

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1 priority to eligible students who are residents of Iowa upon
2 enrolling in the institution.

3 5. *Loan repayment amounts.*

4 a. The amount of loan repayment an eligible student who
5 enters into an agreement pursuant to subsection 3 shall receive
6 upon fulfilling the requirements of subsection 3 shall be not
7 more than fifty thousand dollars annually for an eligible loan.
8 Payments under this section are limited to a four-year period
9 and shall not exceed a total of two hundred thousand dollars.

10 b. The commission shall not enter into more than twenty
11 program agreements annually.

12 6. *Selection of service commitment area.* A loan repayment
13 recipient shall notify the commission of the recipient's
14 service commitment area prior to beginning practice in the area
15 in accordance with subsection 3, paragraph "d". The commission
16 may waive the requirement that the loan repayment recipient
17 practice in the same service commitment area for all sixty
18 months.

19 7. *Rules for additional loan repayment.* The commission
20 shall adopt rules to provide, in addition to loan repayment
21 provided to eligible students pursuant to this section and
22 subject to the availability of surplus funds, loan repayment
23 to a chiropractor who received a chiropractic degree from an
24 eligible institution as provided in subsection 2, obtained a
25 license to practice chiropractic in this state, completed the
26 chiropractor's residency program requirement with an Iowa-based
27 residency program, and is engaged in the full-time practice of
28 chiropractic as specified in subsection 3, paragraph "d".

29 8. *Part-time practice — agreement amended.* A person who
30 entered into an agreement pursuant to subsection 3 may apply
31 to the commission to amend the agreement to allow the person
32 to engage in less than the full-time practice specified in
33 the agreement and under subsection 3, paragraph "d". If the
34 commission determines exceptional circumstances exist, the
35 commission and the person may consent to amend the agreement

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1 under which the person shall engage in less than full-time
2 practice of chiropractic in a service commitment area for
3 an extended period of part-time practice determined by the
4 commission to be proportional to the amount of full-time
5 practice remaining under the original agreement.

6 9. *Postponement and satisfaction of service obligation.*

7 a. The obligation to engage in practice in accordance with
8 subsection 3 shall be postponed for the following purposes:

9 (1) Active duty status in the armed forces, the armed forces
10 military reserve, or the national guard.

11 (2) Service in volunteers in service to America.

12 (3) Service in the federal peace corps.

13 (4) A period of service commitment to the United States
14 public health service commissioned corps.

15 (5) A period of religious missionary work conducted by an
16 organization exempt from federal income taxation pursuant to
17 section 501(c)(3) of the Internal Revenue Code.

18 (6) Any period of temporary medical incapacity during which
19 the person obligated is unable, due to a medical condition, to
20 engage in full-time practice as required under subsection 3,
21 paragraph "d".

22 b. Except for a postponement under paragraph "a",
23 subparagraph (6), an obligation to engage in practice under an
24 agreement entered into pursuant to subsection 3, shall not be
25 postponed for more than two years from the time the full-time
26 practice was to have commenced under the agreement.

27 c. An obligation to engage in full-time practice under
28 an agreement entered into pursuant to subsection 3 shall be
29 considered satisfied when any of the following conditions are
30 met:

31 (1) The terms of the agreement are completed.

32 (2) The person who entered into the agreement dies.

33 (3) The person who entered into the agreement, due to a
34 permanent disability, is unable to practice chiropractic.

35 10. *Trust fund established.* A rural Iowa chiropractic care

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1 trust fund is created in the state treasury as a separate fund
2 under the control of the commission. The commission shall
3 remit all repayments made pursuant to this section to the rural
4 Iowa chiropractic care trust fund. All moneys deposited or
5 paid into the trust fund are appropriated and made available
6 to the commission to be used for meeting the requirements of
7 this section. Moneys in the fund up to the total amount that an
8 eligible student may receive for an eligible loan in accordance
9 with this section and upon fulfilling the requirements of
10 subsection 3, shall be considered encumbered for the duration
11 of the agreement entered into pursuant to subsection 3.
12 Notwithstanding section 8.33, any balance in the fund on June
13 30 of each fiscal year shall not revert to the general fund of
14 the state, but shall be available for purposes of this section
15 in subsequent fiscal years.

16 11. *Definitions.* For purposes of this section:

17 a. "*Eligible institution*" means an Iowa chiropractic college
18 or university that meets the requirements for approval under
19 section 151.4.

20 b. "*Eligible loan*" means the chiropractor's total federally
21 guaranteed Stafford loan amount under the federal family
22 education loan program or the federal direct loan program,
23 including principal and interest.

24 c. "*Service commitment area*" means a city in Iowa with a
25 population of less than twenty-six thousand that is located
26 more than twenty miles from a city with a population of fifty
27 thousand or more and which provides a twenty thousand dollar
28 contribution for deposit in the rural Iowa chiropractic care
29 trust fund for each chiropractor in the community who is
30 participating in the loan repayment program.

31 EXPLANATION

32 This bill establishes a rural Iowa chiropractic care loan
33 repayment program to be administered by the college student aid
34 commission for purposes of providing loan repayment to resident
35 graduate students who agree to practice as chiropractors in

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1 service commitment areas for five years, and establishes a
2 rural Iowa chiropractic care trust fund.

3 An individual is eligible to apply to the commission to enter
4 into a program agreement with the commission if the individual
5 is enrolled in an Iowa chiropractic college or university in a
6 curriculum leading to a chiropractic degree.

7 Under the agreement, the eligible student will receive up
8 to \$50,000 per year for a four-year period of loan repayment
9 for an eligible loan if the eligible student receives a
10 chiropractic degree; applies for, enters, and completes a
11 residency program approved by the commission; applies for and
12 obtains a license to practice chiropractic in this state; and,
13 within nine months of receiving a license, engages in the
14 full-time practice of chiropractic for 60 consecutive months
15 in the service commitment area, unless the loan repayment
16 recipient receives a waiver from the commission to complete
17 the months of practice required under the agreement in another
18 service commitment area.

19 A service commitment area is defined to mean a city in Iowa
20 with a population of less than 26,000 that is located more than
21 20 miles from a city with a population of 50,000 or more and
22 which provides a \$20,000 contribution for deposit in the fund
23 for each chiropractor in the community who is participating in
24 the program.

25 The bill defines "eligible loan" to mean a federally
26 guaranteed Stafford loan.

27 The commission shall give priority to eligible students who
28 are residents of Iowa upon enrolling in the institution.

29 Not more than 20 program agreements may be entered into
30 annually.

31 A person may apply to the commission to amend the agreement
32 to allow the person to engage in less than full-time practice.
33 If the commission determines exceptional circumstances
34 exist, the commission and the person may consent to amend
35 the agreement to provide for an extended period of part-time

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1 practice determined by the commission to be proportional to
2 the amount of full-time practice remaining under the original
3 agreement.

4 The obligation shall be considered satisfied when the
5 terms of the agreement are completed, the person dies, or the
6 person, due to a permanent disability, is unable to practice
7 chiropractic.

8 The bill directs the commission to adopt rules to provide,
9 subject to the availability of surplus funds, loan repayment
10 to a chiropractor who did not enter into an agreement as a
11 resident graduate student but who meets the other relevant
12 requirements of the program.



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Senate File 118 - Introduced

SENATE FILE 118
BY BEALL and DEARDEN

A BILL FOR

1 An Act relating to grandparent and great-grandparent
2 visitation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1566XS (2) 85
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1 Section 1. Section 600C.1, Code 2013, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **600C.1 Grandparent and great-grandparent visitation.**

4 1. The grandparent or great-grandparent of a minor child
5 may petition the court for grandchild or great-grandchild
6 visitation.

7 2. The court shall consider a fit parent's objections
8 to granting visitation under this section. A rebuttable
9 presumption arises that a fit parent's decision to deny
10 visitation to a grandparent or great-grandparent is in the best
11 interest of a minor child.

12 3. The court may grant visitation to the grandparent or
13 great-grandparent if the court finds all of the following by
14 clear and convincing evidence:

15 a. The grandparent or great-grandparent has established a
16 substantial relationship with the child prior to the filing of
17 the petition.

18 b. The parent who is being asked to temporarily relinquish
19 care, custody, and control of the child to provide visitation
20 is unfit to make the decision regarding visitation.

21 c. It is in the best interest of the child to grant such
22 visitation.

23 4. Notwithstanding the requirements of subsection
24 3, the court may grant visitation to the grandparent or
25 great-grandparent if the court finds all of the following by
26 clear and convincing evidence:

27 a. The grandparent or great-grandparent has established a
28 substantial relationship with the child prior to the filing of
29 the petition.

30 b. The parent is unable to provide evidence that the
31 grandparent or great-grandparent is unfit to be granted
32 visitation or that granting visitation will place the child at
33 risk of physical or emotional harm.

34 c. The relationship between the grandparent or
35 great-grandparent and the parent has been significantly



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1 impaired causing the parent to act in the parent's best
2 interest.

3 *d.* Granting such visitation is in the best interest of the
4 child.

5 5. For the purposes of this section, "court" means the
6 district court or the juvenile court if that court currently
7 has jurisdiction over the child in a pending action. If an
8 action is not pending, the district court has jurisdiction.

9 6. Notwithstanding any provision of this chapter to the
10 contrary, venue for any action to establish, enforce, or modify
11 visitation under this section shall be in the county where
12 either parent resides if no final custody order determination
13 relating to the grandchild or great-grandchild has been entered
14 by any other court. If a final custody order has been entered
15 by any other court, venue shall be located exclusively in the
16 county where the most recent final custody order was entered.
17 If any other custodial proceeding is pending when an action to
18 establish, enforce, or modify visitation under this section is
19 filed, venue shall be located exclusively in the county where
20 the pending custodial proceeding was filed.

21 7. Notice of any proceeding to establish, enforce, or
22 modify visitation under this section shall be personally served
23 upon all parents of a child whose interests are affected
24 by a proceeding brought pursuant to this section and all
25 grandparents or great-grandparents who have previously obtained
26 a final order or commenced a proceeding under this section.

27 8. The court shall not enter any temporary order to
28 establish, enforce, or modify visitation under this section.

29 9. An action brought under this section is subject to
30 chapter 598B, and in an action brought to establish, enforce,
31 or modify visitation under this section, each party shall
32 submit in its first pleading or in an attached affidavit all
33 information required by section 598B.209.

34 10. In any action brought to establish, enforce, or modify
35 visitation under this section, the court may award attorney



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1 fees to the prevailing party in an amount deemed reasonable by
2 the court.

3 11. If a proceeding to establish or enforce visitation
4 under this section is commenced when a dissolution of marriage
5 proceeding is pending concerning the parents of the affected
6 minor child, the record and evidence of the dissolution
7 action shall remain impounded pursuant to section 598.26.
8 The impounded information shall not be released or otherwise
9 made available to any person who is not the petitioner or
10 respondent or an attorney of record in the dissolution of
11 marriage proceeding. Access to the impounded information by
12 the attorney of record for the grandparent or great-grandparent
13 shall be limited to only that information relevant to the
14 grandparent's or great-grandparent's request for visitation.

15 EXPLANATION

16 This bill relates to granting of visitation to grandparents
17 or great-grandparents. The bill strikes the current provision
18 which limits petitioning for grandparent or great-grandparent
19 visitation to grandparents or great-grandparents of a minor
20 child when the parent of the minor child, who is the child of
21 the grandparent or the grandchild of the great-grandparent,
22 is deceased. The bill replaces the stricken language with
23 the prior law (Code 2009) which does not so restrict those
24 grandparents or great-grandparents who may petition the court
25 for visitation, and adds a new provision that, notwithstanding
26 the requirements for granting visitation to a grandparent
27 or great-grandparent, the court may grant such visitation
28 if the court finds by clear and convincing evidence that:
29 the grandparent or great-grandparent has established a
30 substantial relationship with the child prior to the filing of
31 the petition; the parent is unable to provide evidence that
32 the grandparent or great-grandparent is unfit to be granted
33 visitation or that granting visitation will place the child at
34 risk of physical or emotional harm; the relationship between
35 the grandparent or great-grandparent and the parent has

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1 been significantly impaired causing the parent to act in the
2 parent's best interest; and granting such visitation is in the
3 best interest of the child.



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Senate File 119 - Introduced

SENATE FILE 119
BY KAPUCIAN

A BILL FOR

1 An Act relating to the advertisement of corn suitability
2 ratings by persons engaged in transactions involving the
3 transfer of real estate suitable for crop cultivation, and
4 including penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1637XS (7) 85
da/sc



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S.F. 119

1 Section 1. **NEW SECTION. 543B.60B Required disclosure —**
2 **advertising agricultural land using corn suitability ratings.**

3 1. This section applies to any person advertising a
4 transaction involving real estate using broadcast media, print
5 media, or the internet, if the real estate may be used for
6 the cultivation of a crop as defined in section 202.1. The
7 person shall not refer to the real estate's corn suitability
8 rating calculated using the methodology recognized by Iowa
9 state university in 2013, unless the person also discloses the
10 real estate's corn suitability rating calculated using the
11 methodology recognized by Iowa state university prior to 2013.

12 2. Notwithstanding section 543B.48, the commission may
13 impose, assess, and collect a civil penalty of not more than
14 one hundred dollars for a violation of subsection 1.

15 3. This section is repealed on June 30, 2015.

16 **EXPLANATION**

17 This bill applies to a person who engages in a transaction
18 involving the sale, exchange, purchase, or rental of cropland
19 using broadcast media, print media, or the internet. The bill
20 provides that when a person advertises the cropland's newest
21 corn suitability rating (CSR2), the person must also state
22 its corn suitability rating (CSR) using the methodology
23 recognized by Iowa state university prior to 2013. CSR was
24 originally developed by Iowa state university (ISU) during
25 the 1970s as an index to rate different types of soils for
26 potential row-crop productivity. ISU is in the process of
27 officially recognizing CSR2, a new version of the index.

28 The commission is authorized to impose a civil penalty of not
29 more than \$100 to be assessed against a person who violates the
30 bill's provisions.

31 The bill's provisions are repealed on June 30, 2015.



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Senate File 120 - Introduced

SENATE FILE 120
BY BOWMAN

A BILL FOR

1 An Act modifying the funding requirements for whole grade
2 sharing agreements and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1885XS (2) 85
md/sc



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S.F. 120

1 Section 1. Section 282.12, subsection 2, Code 2013, is
2 amended to read as follows:
3 2. For one-way sharing, the sending district shall pay ~~no~~
4 ~~less than one-half a percentage~~ of the district cost per pupil
5 of the sending district that is proportionate to the percentage
6 of the pupil's school day during which the pupil attends
7 classes in the receiving district minus any actual costs
8 incurred by the sending district including but not limited to
9 transportation and administration costs, if such costs are
10 specified in the agreement.

11 Sec. 2. APPLICABILITY. This Act applies to sharing
12 agreements entered into on or after July 1, 2013.

13 EXPLANATION

14 Current Code section 282.12 requires a sending district in a
15 one-way whole grade sharing agreement to pay to the receiving
16 district not less than one-half of the sending district's
17 cost per pupil. This bill requires a sending district in a
18 one-way whole grade sharing agreement to pay a percentage of
19 the sending district's cost per pupil that is proportionate
20 to the percentage of the pupil's school day during which the
21 pupil attends classes in the receiving district minus any
22 actual costs incurred by the sending district including but not
23 limited to transportation and administration costs, if such
24 costs are specified in the agreement.

25 The bill applies to sharing agreements entered into on or
26 after July 1, 2013.



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Senate File 121 - Introduced

SENATE FILE 121
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1010)

A BILL FOR

1 An Act relating to public disclosure of the receipt of certain
2 gifts, bequests, and honoraria and making penalties
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1294SV (2) 85
tm/sc



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1 Section 1. Section 8.7, Code 2013, is amended to read as
2 follows:

3 **8.7 Reporting of gifts and bequests received.**

4 All gifts and bequests received by a department or accepted
5 by the governor on behalf of the state shall be reported
6 in an electronic format to the Iowa ethics and campaign
7 disclosure board and the general assembly's standing committees
8 on government oversight. A report shall be filed only for
9 months in which a gift or bequest is received or accepted. A
10 report shall be filed no later than the tenth day of the month
11 following the month in which a gift or bequest is received or
12 accepted. The ethics and campaign disclosure board shall, by
13 January 31 of each year, submit to the fiscal services division
14 of the legislative services agency a written report listing all
15 gifts and bequests received or accepted during the previous
16 calendar year with a value over one thousand dollars and the
17 purpose for each such gift or bequest. The submission shall
18 also include a listing of all gifts and bequests received by a
19 department from a person if the cumulative value of all gifts
20 and bequests received by the department from the person during
21 the previous calendar year exceeds one thousand dollars, and
22 the ethics and campaign disclosure board shall include, if
23 available, the purpose for each such gift or bequest. However,
24 the reports on gifts or bequests filed by the state board of
25 regents and the Iowa state fair board pursuant to section 8.44
26 shall be deemed sufficient to comply with the requirements of
27 this section.

28 Sec. 2. NEW SECTION. **68B.23A Gifts and honoraria reporting.**

29 1. An official or employee of the executive branch shall
30 submit a report to the board in an electronic format for any
31 gift or series of gifts or honorarium or series of honoraria
32 received by the official or employee from a restricted donor
33 exceeds one hundred dollars.

34 2. A report shall be filed no later than the tenth day of
35 the month following the month in which the gifts or honoraria

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1 are received by the official or employee.

2 3. The board shall prescribe the information to be submitted
3 on the report which shall include, at a minimum, the name of
4 the official or employee who received the gift; the position
5 or title of the official or employee; the name and address of
6 the restricted donor; a description of the gift; the estimated
7 value of the gift; and the exception in section 68B.22,
8 subsection 4, or section 68B.23, subsection 2, that allows the
9 official or employee to accept, directly or indirectly, the
10 gift.

11 4. Contributions to a candidate or a candidate's committee
12 shall not be included in the report if such contributions are
13 disclosed on the candidate's committee disclosure reports.

14 5. Gifts of food, beverage, and entertainment received at
15 a function meeting the criteria in section 68B.22, subsection
16 4, paragraph "s", shall not be included in the report if
17 the function is registered and a disclosure report is filed
18 pursuant to section 68B.22, subsection 4, paragraph "s".

19 EXPLANATION

20 This bill relates to public disclosure of the receipt of
21 certain gifts, bequests, and honoraria.

22 The bill requires reports filed pursuant to Code section
23 8.7, relating to gifts and bequests received by a department or
24 accepted by the governor on behalf of the state, be filed in an
25 electronic format. The bill requires reports to be filed only
26 for months in which a gift or bequest is received or accepted.
27 The bill requires reports to be filed no later than the tenth
28 day of the month following the month in which the gift or
29 bequest is received or accepted.

30 The bill requires an official or employee of the executive
31 branch to submit a report in an electronic format to the
32 ethics and campaign disclosure board for any gift or series
33 of gifts or honorarium or series of honoraria received by the
34 official or employee from a restricted donor that exceeds
35 \$100. The bill provides for the timing of such reports and the

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1 information to be included in the reports. Gifts received that
2 are not required to be disclosed include those that meet the
3 gift law exceptions relating to contributions to a candidate
4 and relating to food, beverage, and entertainment received at a
5 function qualifying under Code section 68B.22, subsection 4,
6 paragraph "s".

7 A person that knowingly and intentionally violates this
8 provision is guilty of a serious misdemeanor under Code section
9 68B.34. A serious misdemeanor is punishable by confinement for
10 no more than one year and a fine of at least \$315 but not more
11 than \$1,875.



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Senate Joint Resolution 2 - Introduced

SENATE JOINT RESOLUTION 2
BY ZAUN, WHITVER, and CHELGREN

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa to change the length of term of office
3 and limit the term of service of members of the general
4 assembly.
5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1890XS (2) 85
aw/rj



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S.J.R. 2

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 1. Section 3 of Article III of the Constitution of the State
4 of Iowa is repealed and the following adopted in lieu thereof:

5 **Representatives — classification — terms.** SEC. 3. The
6 members of the house of representatives shall be chosen by the
7 qualified electors of their respective districts, and their
8 term of office shall commence on the first day of January
9 following their election, and continue four years, and until
10 their successors are elected and qualified. Representatives
11 shall be classified by statute so that as nearly as possible
12 one-half of the members of the house of representatives shall
13 be elected every two years. A person shall not be elected
14 for a term as representative if the term would result in more
15 than a total of twelve years of service as a representative.
16 If a person is elected to serve a portion of a term to which
17 some other person was elected but that person died in office
18 or resigned from office or was otherwise removed from office,
19 those years served shall not be included in the years of
20 service for purposes of this limitation. This limitation
21 on the years of service shall only apply to terms of office
22 beginning on or after January 1, 2019.

23 The general assembly shall make such changes in the
24 law governing the time of election and terms of office of
25 representatives as shall be necessary to make the time of their
26 election and terms of office conform to this amendment.

27 2. Section 5 of Article III of the Constitution of the State
28 of Iowa is repealed and the following adopted in lieu thereof:

29 **Senators — qualifications — terms.** SEC. 5. Senators shall
30 be chosen for a term of six years, at the same time and place as
31 representatives; they shall be at least twenty-five years of
32 age, and possess the qualifications of representatives as to
33 residence and citizenship. A person shall not be elected for a
34 term as senator if the term would result in more than a total of
35 twelve years of service as a senator. If a person is elected

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1 to serve a portion of a term to which some other person was
2 elected but that person died in office or resigned from office
3 or was otherwise removed from office, those years served shall
4 not be included in the years of service for purposes of this
5 limitation. This limitation on the years of service shall only
6 apply to terms of office beginning on or after January 1, 2019.

7 The general assembly shall make such changes in the law
8 governing the time of election and terms of office of senators
9 as shall be necessary to make the time of their election and
10 terms of office conform to this amendment.

11 3. Section 6 of Article III of the Constitution of the State
12 of Iowa, as amended by amendment number 3 of the Amendments of
13 1968, is repealed and the following adopted in lieu thereof:

14 **Senators — number and classification.** SEC. 6. The number of
15 senators shall total not more than one-half the membership of
16 the house of representatives. Senators shall be classified by
17 statute so that as nearly as possible one-third of the members
18 of the senate shall be elected every two years.

19 4. Section 35 of Article III of the Constitution of the
20 State of Iowa, as amended by amendment number 4 of Amendments
21 of 1868, amendment number 2 of the Amendments of 1904, and
22 amendment number 3 of the Amendments of 1968, is repealed and
23 the following adopted in lieu thereof:

24 **Senators and representatives — number and districts —**
25 **terms.** SEC. 35. The general assembly shall in each year
26 immediately following the United States decennial census
27 determine the number of senators and representatives to be
28 elected to the general assembly and establish senatorial and
29 representative districts. The general assembly shall complete
30 the apportionment prior to September 1 of the year so required.
31 If the apportionment fails to become law prior to September
32 15 of such year, the supreme court shall cause the state to
33 be apportioned into senatorial and representative districts
34 to comply with the requirements of the constitution prior to
35 December 31 of such year. The reapportioning authority shall,

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1 where necessary in establishing senatorial and representative
2 districts, shorten the term of any senator or representative
3 prior to completion of the term. Any senator or representative
4 whose term is so terminated shall not be compensated for the
5 uncompleted part of the term.

6 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
7 to the Constitution of the State of Iowa is referred to the
8 general assembly to be chosen at the next general election for
9 members of the general assembly, and the secretary of state is
10 directed to cause the proposed amendment to be published for
11 three consecutive months previous to the date of that election
12 as provided by law.

EXPLANATION

14 This joint resolution proposes a constitutional amendment
15 relating to length of term and term of service for members of
16 the general assembly. The amendment provides that the length
17 of term of office for members of the house of representatives
18 shall be four years and for members of the senate the length
19 of term of office shall be six years. The amendment provides
20 that one-third of the members of the senate and one-half of
21 the members of the house of representatives are to be elected
22 every two years. The amendment also provides that members of
23 the Iowa house of representatives shall not serve more than 12
24 years as a representative and that members of the Iowa senate
25 shall not serve more than 12 years as a senator. If a person
26 serves a portion of a term to which some other person was
27 elected, the partial term shall not be included in the years
28 of service. The limitation on the years of service shall only
29 apply to terms of office beginning on or after January 1, 2019.

30 The resolution, if adopted, would be referred to the next
31 general assembly before being submitted to the electorate for
32 ratification.



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Senate Study Bill 1100 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON BEALL)

A BILL FOR

1 An Act relating to property taxes of certain disabled veterans
2 by modifying the disabled veteran homestead tax credit,
3 providing an additional homestead credit for certain
4 disabled veterans, and including applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 425.15, Code 2013, is amended to read as
2 follows:

3 **425.15 Disabled veteran tax credit.**

4 If the owner of a homestead allowed a credit under this
5 chapter is a veteran of any of the military forces of the
6 United States, who acquired the homestead under 38 U.S.C.
7 § 21.801, 21.802, prior to August 6, 1991, or 38 U.S.C. § 2101,
8 through 2102, or who is a veteran as defined in section 35.1
9 with a permanent and total service-connected disability as
10 certified by the United States department of veterans affairs,
11 the credit allowed on the homestead from the homestead credit
12 fund shall be the entire amount of the tax levied on the
13 homestead. The credit allowed shall be continued to the
14 estate of a veteran who is deceased or the surviving spouse
15 and any child, as defined in section 234.1, who are the
16 beneficiaries of a deceased veteran, so long as the surviving
17 spouse remains unmarried. ~~This section is not applicable to~~
18 ~~the holder of title to any homestead whose annual income,~~
19 ~~together with that of the titleholder's spouse, if any, for~~
20 ~~the last preceding twelve-month income tax accounting period~~
21 ~~exceeds thirty-five thousand dollars. For the purpose of~~
22 ~~this section "income" means taxable income for federal income~~
23 ~~tax purposes plus income from securities of state and other~~
24 ~~political subdivisions exempt from federal income tax. A~~
25 veteran or a beneficiary of a veteran who elects to secure the
26 credit provided in this section is not eligible for any other
27 real property tax exemption provided by law for veterans of
28 military service. If a veteran acquires a different homestead,
29 the credit allowed under this section may be claimed on the
30 new homestead unless the veteran fails to meet the other
31 requirements of this section.

32 Sec. 2. NEW SECTION. **425.15A Disabled veteran tax freeze.**

33 1. For purposes of this section, unless the context
34 otherwise requires:

35 a. "Base year" means the fiscal year immediately preceding

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1 the first fiscal year in which the additional homestead
2 credit under this section is allowed on the disabled veteran's
3 homestead.

4 *b. "Disabled veteran"* means a veteran, as defined in section
5 35.1, who has a service-connected disability rating of at least
6 fifty percent as certified by the United States department of
7 veterans affairs.

8 2. A disabled veteran who is eligible for the credit allowed
9 under section 425.1 may claim an additional homestead credit
10 pursuant to this section. To claim the credit under this
11 section, the disabled veteran shall file on or before June 30
12 of the base year for which the veteran is first claiming the
13 credit. The amount of the credit equals the amount of property
14 taxes, less the regular homestead credit allowed under section
15 425.1, due and payable in the coming fiscal year that exceeds
16 the amount of property taxes, less the regular homestead credit
17 allowed under section 425.1, that were due and payable in the
18 base year. The credit under this section is payable from the
19 homestead credit fund created in section 425.1.

20 3. Upon the filing and allowance of the claim, the claim
21 shall be allowed on the disabled veteran's homestead for
22 successive years without further filing as long as the property
23 is legally and equitably owned and used as a homestead by
24 the disabled veteran on July 1 of each of those successive
25 years. The credit allowed shall be continued to the estate
26 of a veteran who is deceased or the surviving spouse and any
27 child, as defined in section 234.1, who are the beneficiaries
28 of a deceased veteran, so long as the surviving spouse remains
29 unmarried.

30 Sec. 3. IMPLEMENTATION. Section 25B.7 shall not apply to
31 the credits in this Act.

32 Sec. 4. APPLICABILITY. This Act applies to property taxes
33 due and payable in fiscal years beginning on or after July 1,
34 2014.

35

EXPLANATION

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1 This bill relates to property taxes of certain disabled
2 veterans.

3 The disabled veterans tax credit under Code section 425.15
4 provides a credit on the homestead of an eligible veteran
5 who acquired the homestead under specified federal programs
6 in an amount equal to the entire amount of the tax levied on
7 the homestead. This bill modifies the qualifications for the
8 disabled veterans tax credit by adding to the list of veterans
9 who are eligible for the credit, a veteran as defined in Code
10 section 35.1 with a permanent and total service-connected
11 disability as certified by the United States department of
12 veterans affairs. The bill also strikes the income limitation
13 qualifications for the disabled veteran tax credit.

14 The bill enacts new Code section 425.15A, which provides
15 that the property tax on a disabled veteran's homestead shall
16 not increase from year to year. To receive this credit, the
17 veteran must file on or before June 30 in a manner similar
18 to filing for the regular homestead credit. Once the claim
19 is filed and allowed, the veteran does not have to file for
20 successive years so long as the property is still owned and
21 used by the veteran as a homestead.

22 The bill defines "disabled veteran" for the purposes of new
23 Code section 425.15A to be a veteran as defined in Code section
24 35.1, who has a service-connected disability rating of at least
25 50 percent as certified by the United States department of
26 veterans affairs.

27 Code section 25B.7 provides that for a property tax credit
28 or exemption enacted on or after January 1, 1997, if a state
29 appropriation made to fund the credit or exemption is not
30 sufficient to fully fund the credit or exemption, the political
31 subdivision shall be required to extend to the taxpayer only
32 that portion of the credit or exemption estimated by the
33 department of revenue to be funded by the state appropriation.

34 The bill provides that Code section 25B.7 does not apply to
35 the credits in the bill.



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1 The bill applies to property taxes due and payable in fiscal
2 years beginning on or after July 1, 2014.



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Senate Study Bill 1101 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act relating to the sale of services by an official, a state
2 employee, a member of the general assembly, or a legislative
3 employee.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 68B.3, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 2A. This section does not apply to sales
4 of services by a person subject to the requirements of this
5 section to state executive branch agencies or subunits of
6 departments or independent agencies as defined in section 7E.4
7 that are not the subunit of the department or independent
8 agency in which the person serves or is employed or are not
9 a subunit of a department or independent agency with which
10 the person has substantial and regular contact as part of the
11 person's duties.

12 EXPLANATION

13 This bill relates to the sale of services by an official,
14 a state employee, a member of the general assembly, or a
15 legislative employee.

16 Currently, a state executive branch official or member of a
17 board or commission, state executive branch employee, member
18 of the general assembly, or permanent, full-time legislative
19 employee is prohibited from selling goods or services having
20 a value in excess of \$2,000 to any state agency unless the
21 sale is made pursuant to an award or contract let after
22 public notice and competitive bidding. The bill provides an
23 exception to the prohibition for the selling of services to
24 state executive branch agencies or subunits of departments or
25 independent agencies that are not the subunit of the department
26 or independent agency in which the person serves or is employed
27 or are not a subunit of a department or independent agency with
28 which the person has substantial and regular contact as part
29 of the person's duties.



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Senate Study Bill 1102 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act concerning business interest limitations for holders of
2 a brewer's certificate of compliance and making penalties
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 123.135, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4A. It shall be unlawful for any holder
4 of a brewer's certificate of compliance to have any interest,
5 directly or indirectly, in the business of a class "A" or a
6 class "AA" permittee.

7 EXPLANATION

8 This bill makes it unlawful for a holder of a brewer's
9 certificate of compliance to have any interest in the business
10 of a class "A" or a class "AA" permittee. A violation of this
11 new provision subjects the holder to a civil penalty of no more
12 than \$1,000 or suspension of the brewer's certificate for no
13 more than one year, or both.



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Senate Study Bill 1103 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

A BILL FOR

1 An Act relating to the period of validity of driver's licenses
2 and nonoperator's identification cards, and including
3 effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1727DP (2) 85
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1 Section 1. Section 321.190, subsection 1, paragraph d, Code
2 2013, is amended to read as follows:

3 d. The fee for a nonoperator's identification card shall
4 be ~~five~~ eight dollars and the card shall be valid for a
5 period of ~~five~~ eight years from the date of issuance. A
6 ~~nonoperator's identification card shall be issued without~~
7 ~~expiration to anyone age seventy or over.~~ If an applicant
8 for a nonoperator's identification card is a foreign national
9 who is temporarily present in this state, the nonoperator's
10 identification card shall be issued only for the length of time
11 the foreign national is authorized to be present as determined
12 by the department, not to exceed two years. An issuance fee
13 shall not be charged for a person whose driver's license or
14 driving privilege has been suspended under section 321.210,
15 subsection 1, paragraph "a", subparagraph (3).

16 Sec. 2. Section 321.196, subsection 1, Code 2013, is amended
17 to read as follows:

18 1. Except as otherwise provided, a driver's license, other
19 than an instruction permit, chauffeur's instruction permit, or
20 commercial driver's instruction permit issued under section
21 321.180, expires ~~five~~ eight years from the licensee's birthday
22 anniversary occurring in the year of issuance if the licensee
23 is between the ages of seventeen years eleven months and
24 seventy years on the date of issuance of the license. If the
25 licensee is under the age of seventeen years eleven months or
26 age seventy or over, the license is effective for a period of
27 two years from the licensee's birthday anniversary occurring in
28 the year of issuance. A licensee whose license is restricted
29 due to vision or other physical deficiencies may be required
30 to renew the license every two years. If a licensee is a
31 foreign national who is temporarily present in this state,
32 the license shall be issued only for the length of time the
33 foreign national is authorized to be present as verified by the
34 department, not to exceed two years.

35 Sec. 3. EMERGENCY RULES. The department of transportation

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1 may adopt emergency rules under section 17A.4, subsection 3,
2 and section 17A.5, subsection 2, paragraph "b", to implement
3 section 321.190, subsection 1, paragraph "d", as amended in
4 this Act, and section 321.196, subsection 1, as amended in
5 this Act, and the rules shall be effective immediately upon
6 filing unless a later date is specified in the rules. Any
7 rules adopted in accordance with this section shall also be
8 published as a notice of intended action as provided in section
9 17A.4. The rules established under this authority may provide
10 for a transition from five-year to eight-year renewal periods
11 for driver's licenses and nonoperator's identification cards.
12 During the transition, the department may issue driver's
13 licenses and nonoperator's identification cards valid for
14 periods of five, six, seven, or eight years to equalize renewal
15 periods and applicants over succeeding years.

16 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
17 immediate importance, takes effect upon enactment.

18 EXPLANATION

19 This bill concerns the period of validity of driver's
20 licenses and nonoperator's identification cards issued by the
21 department of transportation.

22 The bill amends Code section 321.190 to extend the validity
23 of nonoperator's identification cards from five years to eight
24 years, with a corresponding fee increase from \$5 to \$8. In
25 addition, the current provision that provides for issuance of
26 a nonexpiring nonoperator's identification card to a person
27 age 70 or over is stricken. Code section 321.196 is amended
28 to extend the validity of a driver's license from five years
29 to eight years for licenses issued to persons between the ages
30 of 17 years, 11 months, and 70 years. Pursuant to current
31 law, the fee for a driver's license is based on the years of
32 validity; that does not change under the bill. The department
33 is authorized to adopt emergency rules to implement the
34 driver's license and nonoperator's identification card renewal
35 provisions, and to provide for a transition from five-year to

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1 eight-year renewal periods.

2 The bill takes effect upon enactment.



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Senate Study Bill 1104 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

A BILL FOR

1 An Act relating to matters under the purview of the
2 department of transportation, including the use of
3 information contained in electronic driver and nonoperator
4 identification records, grounds for disqualification of
5 commercial vehicle operators, provisions for the issuance
6 of temporary restricted licenses for persons convicted of
7 operating while intoxicated, registration fees for electric
8 vehicles, and the administration of highway contracts, and
9 including applicability date provisions.
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 22.7, Code 2013, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 65. Personal information contained on
4 electronic driver's license or nonoperator's identification
5 card records that is provided by the licensee or card holder to
6 the department of transportation for use by law enforcement,
7 first responders, emergency medical service providers, and
8 other medical personnel responding to or assisting with an
9 emergency.

10 Sec. 2. Section 321.208, subsection 6, unnumbered paragraph
11 1, Code 2013, is amended to read as follows:

12 A person is disqualified from operating a commercial motor
13 vehicle if the person receives convictions for committing
14 within any three-year period two or more of the following
15 offenses while operating a commercial motor vehicle, or
16 while operating a noncommercial motor vehicle and holding
17 a commercial driver's license if the convictions result in
18 the revocation, cancellation, or suspension of the person's
19 commercial driver's license or noncommercial motor vehicle
20 driving privileges:

21 Sec. 3. Section 321.208, subsection 6, Code 2013, is amended
22 by adding the following new paragraphs:

23 NEW PARAGRAPH. *i.* Violating a state or local law or
24 ordinance on motor vehicle traffic control prohibiting texting
25 while driving a commercial motor vehicle.

26 NEW PARAGRAPH. *j.* Violating a state or local law or
27 ordinance on motor vehicle traffic control restricting or
28 prohibiting the use of a hand-held mobile telephone while
29 driving a commercial motor vehicle.

30 Sec. 4. Section 321J.17, subsections 1 and 3, Code 2013, are
31 amended to read as follows:

32 1. If the department revokes a person's driver's license
33 or nonresident operating privilege under this chapter, the
34 department shall assess the person a civil penalty of two
35 hundred dollars. The money collected by the department under

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1 this section shall be transmitted to the treasurer of state
2 who shall deposit one-half of the money in the separate fund
3 established in section 915.94 and one-half of the money in the
4 general fund of the state. A temporary restricted license
5 shall not be issued unless an ignition interlock device has
6 been installed pursuant to section 321J.4. ~~A driver's license~~
7 ~~or nonresident operating privilege shall not be reinstated~~
8 ~~unless proof of deinstallation of an ignition interlock device~~
9 ~~installed pursuant to section 321J.4 has been submitted to~~
10 ~~the department.~~ Except as provided in section 321.210B, a
11 temporary restricted license shall not be issued or a driver's
12 license or nonresident operating privilege reinstated until
13 the civil penalty has been paid. A person assessed a penalty
14 under this section may remit the civil penalty along with a
15 processing fee of five dollars to a county treasurer authorized
16 to issue driver's licenses under chapter 321M, or the civil
17 penalty may be paid directly to the department.
18 3. The department shall also require certification of
19 installation of an ignition interlock device of a type approved
20 by the commissioner of public safety on all motor vehicles
21 owned or operated by any person seeking reinstatement following
22 a second or subsequent revocation under section 321J.4, 321J.9,
23 or 321J.12, ~~unless such a person has previously received a~~
24 ~~temporary restricted license during the term of the revocation~~
25 ~~as authorized by this chapter.~~ The requirement for the
26 installation of an approved ignition interlock device shall be
27 for one year from the date of reinstatement unless a ~~different~~
28 longer time period is required by statute. The one-year
29 period a person is required to maintain an ignition interlock
30 device under this subsection shall be reduced by any period
31 of time the person held a valid temporary restricted license
32 during the revocation for the occurrence from which the arrest
33 arose. The person shall not operate any motor vehicle which
34 is not equipped with an approved ignition interlock device
35 during the period in which an ignition interlock device must be



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1 maintained, and the department shall not grant reinstatement
2 unless the person certifies installation of an ignition
3 interlock device as required in this subsection.

4 Sec. 5. Section 321J.20, subsection 1, paragraph d, Code
5 2013, is amended to read as follows:

6 d. Following the applicable minimum period of ineligibility,
7 a temporary restricted license under this subsection shall
8 not be issued until the applicant installs an ignition
9 interlock device of a type approved by the commissioner of
10 public safety on all motor vehicles owned or operated by the
11 applicant in accordance with section 321J.2, 321J.4, 321J.9,
12 or 321J.12. Installation of an ignition interlock device
13 under this subsection shall be required for the period of time
14 for which the temporary restricted license is issued and for
15 such additional period of time following reinstatement as is
16 required under section 321J.17, subsection 3.

17 Sec. 6. Section 321J.20, subsection 2, Code 2013, is amended
18 to read as follows:

19 2. a. Notwithstanding section 321.560, the department may,
20 on application, and upon the expiration of the minimum period
21 of ineligibility for a temporary restricted license provided
22 for under section 321.560, 321J.4, 321J.9, or 321J.12, issue a
23 temporary restricted license to a person whose noncommercial
24 driver's license has either been revoked under this chapter, or
25 revoked or suspended under chapter 321 solely for violations
26 of this chapter, or who has been determined to be a habitual
27 offender under chapter 321 based solely on violations of this
28 chapter or on violations listed in section 321.560, subsection
29 1, paragraph "b", and who is not eligible for a temporary
30 restricted license under subsection 1. However, the department
31 may not issue a temporary restricted license under this
32 subsection for a violation of section 321J.2A or to a person
33 under the age of twenty-one whose license is revoked under
34 section 321J.4, 321J.9, or 321J.12. A temporary restricted
35 license issued under this subsection may allow the person to

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1 drive to and from the person's home and specified places at
2 specified times which can be verified by the department and
3 which are required by the person's full-time or part-time
4 employment; continuing education while enrolled in an
5 educational institution on a part-time or full-time basis and
6 while pursuing a course of study leading to a diploma, degree,
7 or other certification of successful educational completion;
8 or substance abuse treatment.

9 ~~b. Notwithstanding paragraph "a", a temporary restricted~~
10 ~~license issued to a person whose noncommercial driver's license~~
11 ~~has been revoked under section 321J.4, subsection 2, section~~
12 ~~321J.9, subsection 1, paragraph "b", or section 321J.12,~~
13 ~~subsection 1, paragraph "b", shall provide for but not exceed~~
14 ~~the uses permitted by 23 U.S.C. § 164. This restriction~~
15 ~~applies only during the first three hundred sixty-five days of~~
16 ~~the person's revocation.~~

17 ~~c.~~ b. A temporary restricted license issued under this
18 subsection shall ~~be conditioned upon the installation of~~ not
19 be issued until the applicant installs an approved ignition
20 interlock device on all motor vehicles owned or operated by
21 the person applicant. Installation of an ignition interlock
22 device under this subsection shall be required for the period
23 of time for which the temporary restricted license is issued,
24 and for such additional period of time following reinstatement
25 as is required under section 321J.17, subsection 3. However,
26 a person whose driver's license or nonresident operating
27 privilege has been revoked under section 321J.21 may apply to
28 the department for a temporary restricted license without the
29 requirement of an ignition interlock device if at least twelve
30 years have elapsed since the end of the underlying revocation
31 period for a violation of section 321J.2.

32 Sec. 7. Section 321M.9, subsection 4, Code 2013, is amended
33 by striking the subsection.

34 Sec. 8. REPEAL. Section 321.116, Code 2013, is repealed.

35 Sec. 9. REPEAL. 1984 Iowa Acts, chapter 1229, section 2,

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1 is repealed.

2 Sec. 10. APPLICABILITY. The section of this Act that
3 repeals section 321.116 applies for registration years
4 beginning on or after January 1, 2014.

5 EXPLANATION

6 This bill contains provisions relating to a variety of
7 matters administered by the department of transportation.

8 The bill amends Code section 22.7 to provide that personal
9 information contained on electronic driver's license or
10 nonoperator's identification card records that is provided by
11 the licensee or card holder for use by certain law enforcement
12 and medical personnel responding to or assisting with an
13 emergency constitutes a confidential record.

14 Under current law, a person is disqualified from operating
15 a commercial motor vehicle if the person has two or more
16 convictions within a three-year period for certain specified
17 offenses committed while operating a commercial motor vehicle,
18 or committed while operating a noncommercial motor vehicle and
19 holding a commercial driver's license if the convictions result
20 in a sanction of the person's driving privileges. Code section
21 321.208 is amended to add texting and using a hand-held mobile
22 telephone in violation of a state or local law while operating
23 a commercial motor vehicle to that list of specified offenses.

24 Under current law, a person whose driver's license is
25 revoked upon conviction of a second offense of operating while
26 intoxicated may apply for a temporary restricted license 45
27 days after the effective date of revocation if the person
28 submitted to chemical testing, and 90 days after revocation
29 if the person refused testing. The issuance of a temporary
30 restricted license is conditioned upon the installation of
31 an ignition interlock device on all motor vehicles owned
32 or operated by the person. At the end of the period of
33 revocation, an ignition interlock device is required for a
34 period of one year, unless a different period is required
35 by statute; however, an ignition interlock device is not



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1 required for reinstatement if the person had a temporary
2 restricted license during the revocation period. The bill
3 amends Code sections 321J.17 and 321J.20 to provide that a
4 person is required to maintain an ignition interlock device
5 for one year or longer following reinstatement. The one-year
6 period is reduced by any period of time the person held a
7 valid temporary restricted license during the revocation
8 for the occurrence from which the arrest arose. A person
9 is prohibited from operating any motor vehicle not equipped
10 with an ignition interlock device during the period in which
11 a device is required to be maintained, and a person must
12 certify installation of an ignition interlock device before
13 the department can grant reinstatement. The bill also strikes
14 a provision in current law that ties the permissible use of
15 certain temporary restricted licenses to uses permitted under
16 federal law. Finally, the bill strikes the current requirement
17 that a person who was issued a temporary restricted license
18 must submit proof of deinstallation of an ignition interlock
19 device as a condition for reinstatement of a full driver's
20 license.

21 The bill strikes a provision in Code section 321M.9
22 requiring the auditor of state to conduct periodic studies of
23 the county driver's license issuance program.

24 Code section 321.116, which establishes an annual
25 registration fee of \$25 for electric motor vehicles, is
26 repealed. As a result, electric motor vehicles will be subject
27 to registration fees based on the weight and value of the
28 vehicle. The change applies for registration years beginning
29 on or after January 1, 2014.

30 The bill repeals a provision in 1984 Acts, chapter 1229,
31 that linked the contingent repeal of Code section 314.14, as it
32 existed at that time, to the repeal or expiration of a federal
33 statute relating to set-aside contracts for disadvantaged
34 business enterprises. Due to subsequent substantive amendments
35 to the Code section, the contingent repeal provision is no

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1 longer relevant.